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Security Council

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Identical letters dated 7 November 2012 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

Upon instructions from my Government, I wish to draw your attention to the remarks by Israeli regime Prime Minister Benjamin Netanyahu on 5 November 2012 (Israeli television channel 2, programme *Fact*), as reflected in international media, wherein he once again threatened to use force against the Islamic Republic of Iran by reiterating his intention to conduct an attack on the Iranian nuclear sites. According to the same sources, in an aggressive posture, he even suggested that for such an attack he does not need "the support from Washington or the world".

The Islamic Republic of Iran expresses its strong protest and condemnation of such a provocative, unwarranted and irresponsible statement by the Israeli regime Prime Minister as well as other similar statements by officials of that regime. Such statements are in flagrant violation of the most fundamental provisions of the Charter of the United Nations and the basic principles of international law, which prohibit any act of aggression. It is ironic, however, that such inflammatory remarks and baseless allegations against Iran are uttered by officials of a regime whose clandestine development and unlawful possession of nuclear weapons is the major threat to regional as well as international peace and security and that has an unparalleled record of crimes and atrocities amounting to crimes against humanity.

I wish to reiterate that the Islamic Republic of Iran has never had any intention to attack any other nation. At the same time, it should be emphasized that, in accordance with its inherent right under Article 51 of the Charter of the United Nations, Iran would not hesitate to take all necessary measures in self-defence and to respond decisively to any attack against its people and its territory. Undoubtedly, threats to use force and any recourse to an act of aggression, as stated by the Israeli regime, would obviously endanger peace and security in the region, which the United Nations should react to in a timely manner and take appropriate measures to prevent. It is self-evident that those who may resort to force should be held responsible for any adverse ramifications and dire consequences arising from that force.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Mohammad **Khazaee**
Ambassador
Permanent Representative

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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested that I should report at regular intervals on the implementation of its mandate. It covers the activities of UNMIK, and developments related thereto, from 16 July to 15 October 2012.

2. The priorities of the Mission, to promote security, stability and respect for human rights in Kosovo and in the region, remain unchanged. In furtherance of its goals, UNMIK continues to intensify its constructive engagements with Pristina and Belgrade, the communities in Kosovo, and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission (EULEX) continues its presence in Kosovo in line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes continue to work closely with the Mission.

II. Political developments and northern Kosovo

3. During the reporting period, among other developments, there were some encouraging signals of commitment by the parties to engaging with one another through peaceful means and dialogue to resolve their differences.

4. After a new Government was formed in Serbia on 23 July, technical discussions on the implementation of agreements reached to date in the European Union-led dialogue made some progress, although the plenary discussions remained suspended, pending an agreement on the format and content of future discussions. On 25 September, Belgrade endorsed the technical protocol on the implementation of the agreement on the joint management of crossings (see S/2012/72, para. 18). Consultations between Serbia and the European Union on the interpretation of the footnote corresponding to the asterisk in "Kosovo*" (see S/2012/275, para. 13) in the context of participation in regional forums also helped to clarify the ambiguity caused by differing interpretations of the agreement by the parties.

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5. On 23 and 24 July, I visited Belgrade and Pristina as part of my visit to the western Balkans. I met the Serbian leadership and representatives of the Kosovo authorities and of international organizations with mandates in Kosovo. I stressed the importance of seeking peaceful solutions to politically sensitive issues and exercising moderation to avoid steps that could inflame the situation. I urged both sides to make stronger efforts to improve mutual relations, including through a serious and sincere commitment to the European Union-led dialogue. In my discussions with local and international stakeholders, I also emphasized the continued important role of UNMIK in accordance with Security Council resolution 1244 (1999).

6. On 10 September, the Kosovo authorities and the International Steering Group, composed of States that recognize Kosovo, declared the end of the "supervised independence" of Kosovo and affirmed the Constitution of Kosovo as the "sole" legal framework. The decision also envisages the closure of the International Civilian Office that was established under the Comprehensive Proposal for the Kosovo Status Settlement (see S/2007/168/Add.1).

7. On the same day, the Assembly of Kosovo adopted a package of legislative and constitutional amendments removing from the Constitution provisions concerning international supervision of Kosovo. The adopted constitutional amendments revised the system of reserved seats for minority communities and, while the number of guaranteed seats remains 10 for the Kosovo-Serb community and 10 for the other communities in the 120-seat Assembly, these communities are unlikely to secure additional seats beyond the guaranteed 20 seats.

8. In relation to EULEX, as indicated in my previous report of 3 August 2012 (S/2012/603, annex I), I have been informed that EULEX began its reconfiguration on 15 June following the extension of its mandate by the Council of the European Union until 14 June 2014. I understand that, while the mandate remains unchanged, the reconfiguration is, among other things, intended to improve the EULEX organizational structure and its efficiency in key areas, including in the justice sector and in northern Kosovo, and downscale operations in other areas.

9. On 4 September, the High Representative of the European Union for Foreign Affairs and Security Policy responded positively to an invitation letter from the Kosovo leadership on the continued presence of EULEX under its current mandate until 14 June 2014. The response and invitation letters were ratified as an international agreement by the Assembly of Kosovo on 7 September.

10. Challenges and tensions in the relations between Pristina and northern Kosovo remain. At a joint session, held on 14 September in Zveçan/Zvečan, assemblies of the Belgrade-supported northern municipal structures declared that the northern municipalities and their residents would not recognize the independence of Kosovo in any form. Late in July, Kosovo Serbs blocked for several days the official crossing at gate 1 at Jarinjë/Jarinje in Leposaviq/Leposavić municipality to protest against the continued presence of Kosovo police and Customs officers at the crossing. The northern Kosovo Serb political leaders also disapprove of the endorsement by Belgrade of the technical protocol on the implementation of the agreement on the joint management of crossings.

11. On 9 and 10 September, KFOR conducted operations to control traffic at several unauthorized crossings in the north. While Northern Kosovo Serb

representatives sought to discourage KFOR from conducting the operations, no violent actions against KFOR were reported.

12. The Kosovo authorities have initiated steps to establish communication with the population in northern Kosovo. The Mitrovica North administrative office, with six departments and 55 employees, has begun providing services, including civil registration services, business and non-governmental organization registration services, cadastre records and construction permits that are issued by Mitrovica municipality in the south. It has implemented and is putting out to tender a range of projects intended to build public confidence, including the rehabilitation of playgrounds, the renovation of public buildings and a local road, and the installation of wireless Internet access in public parks. Regrettably, there have been reports of suspected intimidation of staff of the office, including the burning of three private vehicles of staff residing in northern Kosovo.

13. The reallocation of funding from the Kosovo budget with effect from 1 July notwithstanding, UNMIK Administration Mitrovica continued to operate, providing some limited public municipal services in northern Mitrovica. The Belgrade-sponsored municipality increased spending on service provision.

14. At the same time, the local Kosovo Serb population and the Belgrade authorities reacted negatively to the refusal by Pristina to accede to visits to Kosovo by the Director of the Office for Kosovo and Metohija of the Government of Serbia following disputes over his itinerary and the suspension of a local Kosovo police commander in the north for allegedly failing to act upon an arrest warrant issued against him.

15. EULEX has regularly deployed officers to both gates 1 and 31 and to three of the four main police stations in the north. Its ability to deploy to the Zubin Potok police station has been limited, however. In a positive development, in August, following consultations between EULEX, the Kosovo police and the municipal representatives of Zubin Potok, EULEX was able to gradually increase its presence at the station, where initially it had no monitoring officers, to four officers.

16. A disturbing setback occurred on 7 September, however, when a EULEX armoured vehicle and a Kosovo police escort vehicle came under automatic gunfire on their way to the police station in Zubin Potok. A female Kosovo police officer (an ethnic Serb) was injured. The perpetrators have not yet been identified. The international actors and local authorities condemned the attack. Northern Kosovo Serb political figures issued a joint statement in which they condemned the attack and called for its swift investigation. To improve the protection of the Kosovo police in Zubin Potok, an armoured vehicle was provided by the Kosovo police headquarters. Following discussions with local municipal representatives, EULEX partially suspended its mentoring and monitoring activities in Zubin Potok, while pursuing further dialogue with the municipality.

17. Nevertheless, encouraging efforts were made by leaders on both sides to soften the rhetoric and mistrust between the communities north and south of the Ibër/Ibar River. During the reporting period, my Special Representative continued to closely interact with key actors at the community and political levels, including in Belgrade and Pristina, to promote constructive engagement. He also continued to impress upon the northern Kosovo Serb representatives the importance of dialogue at all

levels, and the unacceptability of confrontation with international presences on the ground.

III. Engagement between Pristina and Belgrade and practical arrangements

18. During the reporting period, the sessions of the European Union-led dialogue between Belgrade and Pristina remained suspended. In Belgrade, a new Government was formed on 27 July. During my visit to the region on 23 and 24 July, officials on both sides confirmed their intention to resume the process. The European Union has continued consultations with both parties on the resumption of the dialogue, stressing the need for Pristina and Belgrade to be ready to engage, including at the political level. The European Union welcomed the progress in the implementation of the agreements reached in the dialogue to date, stressing that there was a need for their full implementation without undue delay. The Government of Serbia has taken positive steps towards the implementation of the agreements on regional cooperation and the joint management of crossing points and has appointed a new head of the negotiating team.

19. During the reporting period, the implementation of the agreements reached in the dialogue progressed at various rates, as indicated below.

Regional cooperation. In September, the Government of Serbia issued an instruction in which it specified the conditions under which its delegations would attend regional meetings in accordance with the agreement reached on 24 February. This move resolved the impasse caused by the differing interpretations of the use of the footnote reference and should allow for the presence of both Belgrade and Pristina at future regional meetings.

Civil registry books. EULEX has continued to implement a pilot project in Niš, Serbia, within the framework of the agreement on civil registry books reached on 2 July 2011. The image taking/recording, printing and verification of religious, birth and marriage registry books for Lipjan/Lipljan municipality has been completed. With a total of 359 copies certified and handed over to the Kosovo authorities, the pilot project, which began in May, has been finalized. A full-scale project is envisaged to begin soon. The construction of the building to house the civil registry and cadastre records is almost complete.

Freedom of movement. In an effort to clarify vehicle registration procedures, the Kosovo institutions have established a commission to review applications to register vehicles with registration documents issued by the former Yugoslavia or Serbia. Both sides have also continued to seek a solution to the high vehicle insurance fees charged at the crossing points, but without results to date. In line with the decision by the Kosovo authorities, the validity of driving licences issued by Serbia for Kosovo residents ceased on 1 September. Consequently, the Kosovo police were instructed to confiscate such driving licences.

Certification of diplomas. During the reporting period, no diploma certification sessions were held by the European University Association; the next session is expected to be held in November.

Cadastre records. The Kosovo authorities have begun work on the legislation required to establish a technical agency for the implementation of the agreement on the cadastre records. The legislation is expected to be adopted by December. The Government of Serbia has provided a cost estimate for a project, to be funded by the European Union, to make copies of cadastre records held by Belgrade.

Integrated management of crossing points. On 25 September, Belgrade signed the technical protocol for the implementation of the agreement on joint management of crossing points. The tripartite implementation group, as foreseen in the protocol, was convened on 10 and 11 October and began discussions on the implementation of the agreement.

Free movement of goods. The agreement continues to be implemented satisfactorily, with the exception of crossings at gates 1 and 31 in northern Kosovo.

IV. Security

20. During the reporting period, the security situation in Kosovo was mainly calm. The Kosovo police conducted several successful operations against organized crime, involving human trafficking, smuggling of migrants, illegal possession of firearms, narcotics trafficking and fraud. On 7 August, the Kosovo police arrested 12 suspected human traffickers and, in the process, successfully rescued 22 female foreign nationals. The Kosovo police also conducted two major operations to combat currency counterfeiting, during which 10 individuals were arrested.

21. The Kosovo police also carried out initiatives to build confidence among all communities south of the Iběr/Ibar River through enhanced community policing, including more active participation by the police in the municipal community safety councils and local public safety committees.

22. In the north of Kosovo, security incidents and occasional tensions remain. In addition to the developments outlined in section II of the present report, a number of other serious incidents that occurred in the north included five hand grenade explosions, two of which damaged vehicles belonging to Kosovo Serb members of the Kosovo police; a physical assault on two Kosovo Albanian males, one of whom suffered serious injuries; shooting by a Kosovo Serb at three Kosovo Albanians (with no casualties reported); and a stabbing of a Kosovo Serb by a group of Kosovo Albanians that resulted in injuries to the former.

23. The situation south of the Iběr/Ibar River was generally stable. A serious incident occurred on 7 October, when unknown perpetrators fired automatic weapons from two locations near Stublilnë/Stublina village in south-east Kosovo towards a Serbian police checkpoint located on the opposite side of a local crossing point. The Serbian police returned fire. No casualties were reported. More than 60 empty shells were recovered. The incident followed two similar incidents in the same area in May and June, as mentioned in my previous report.

24. The number of incidents affecting minority communities remained at about the same level as during the previous reporting period. They consisted mainly of minor physical assaults, arson attacks on uninhabited houses, theft and damage to properties at returnee sites and illegal woodcutting on Kosovo Serb property. An exception was the physical assault and robbery of an 80-year-old Kosovo Serb by two Kosovo Albanian juveniles in which the victim sustained injuries. The Kosovo police

identified a 13-year-old suspect, who was not charged owing to his age. It is hoped that enhanced community policing will contribute to improved security and trust in the Kosovo police.

V. Rule of law

25. UNMIK continued to monitor activities and exercise some responsibilities in the area of rule of law, in addition to cooperating at the technical level with the ministries of justice and internal affairs of Kosovo and the Ministry of Justice of Serbia.

26. During the reporting period, UNMIK continued to receive requests for mutual legal assistance from non-recognizing countries and Serbia. On 4 September, it forwarded to EULEX 102 such requests that had been received since February from the Ministry of Justice of Serbia and had not been processed owing to the position of the Ministry of Justice of Kosovo not to acknowledge or act on requests communicated through UNMIK. In the future, UNMIK intends to forward such requests to EULEX for onward transmission to the Ministry of Justice of Kosovo. The implementation of the agreement on mutual legal assistance, signed on 12 August 2011 between EULEX and the Ministry of Justice of Kosovo, whereby the Ministry agreed to process requests for mutual legal assistance communicated through EULEX, began with the processing of requests received from Bosnia and Herzegovina, Greece and Slovakia. At the same time, UNMIK has continued to facilitate the interaction of Kosovo with the International Criminal Police Organization and its member States on a daily basis, including with regard to the issuance of red notices. One such notice was issued during the reporting period.

27. According to the Police Inspectorate of Kosovo, 191 criminal cases were registered from January to August 2012, compared to 143 in all of 2011. During the same period, the Inspectorate filed criminal charges against 59 officers and sent an additional 36 cases to the prosecutor, as compared to 46 and 18, respectively, in all of 2011. The increase in the number of cases processed may enhance public confidence in the willingness and ability of the police to address complaints regarding the conduct of officers.

28. UNMIK continued to monitor the *Medicus* case, in which alleged organ traffickers are being tried by the District Court of Pristina. The testimony of several witnesses was heard during the reporting period. On 9 September, the Office of the Serbian War Crimes Prosecutor made public part of a confidential witness statement in relation to the organ trafficking allegations.

29. UNMIK continued to support and encourage progress on the issue of missing persons. The International Committee of the Red Cross reported that the remains of 8 persons were identified during the reporting period, while 1,766 individuals remain missing. On 2 August, the Kosovo Commission on Missing Persons held a ceremony to mark the completion of the site assessment at Zhilivodë/Žilivode, with the participation of representatives of both the Pristina and Belgrade commissions for missing persons. On 18 and 19 September, Kosovo and Serbian family associations held an information meeting with representatives of the embassies of France, Norway, the Russian Federation and the United States of America, the head of the European Union delegation to Serbia, European Parliament member Jelko

Kacin, the Serbian Deputy War Crimes Prosecutor and the Commission on Missing Persons of the Government of Serbia.

VI. Returns and communities

30. The Office of the United Nations High Commissioner for Refugees (UNHCR) registered 287 individual voluntary minority returnees during the period from July to September 2012. It put the total number of internally displaced persons in Kosovo at 17,853 as at the end of September. UNHCR also continued to monitor the repatriation process for persons readmitted to Kosovo from Western European countries so as to identify their protection and human rights needs, with a particular focus on minority communities. During the reporting period, 559 people were readmitted to Kosovo and 9 sought asylum.

31. UNHCR, through its implementing partner, Civil Rights Program Kosovo, assisted 510 individuals in obtaining personal documentation and solving civil status issues. In August, it launched a six-month campaign on increasing awareness regarding the importance of birth registration among the Kosovo Roma, Ashkali and Egyptian communities. It also organized go-and-see visits to Kosovo for Kosovo Serbs, Roma, Ashkali and Egyptians displaced in Serbia.

32. UNHCR and the Danish Refugee Council continued to support the municipalities in the conduct of outreach activities to displaced persons in other municipalities of Kosovo, as well as in Montenegro, Serbia and the former Yugoslav Republic of Macedonia. Several projects continued, including "Return and reintegration in Kosovo III", which provides technical support to the Ministry of Communities and Returns and five municipalities in Kosovo (Shtërpcë/Štrpce, Novobërdë/Novo Brdo, Prizren, Suharekë/Suva Reka and Partesh/Parteš) in addition to direct return and reintegration assistance. A second return assistance project to a part of the town of Prizren (Nënkalajë/Podkaljaja), including housing reconstruction for 15 Kosovo Serb families, is also being implemented with financial support from the United Kingdom of Great Britain and Northern Ireland.

33. In July, the Kosovo office of the International Organization for Migration began to implement the second phase of the European Union Community Stabilization Programme on behalf of the European Union Office in Kosovo. This 30-month programme will build upon previous efforts by the International Organization for Migration, the European Union and the Kosovo authorities to improve the socioeconomic conditions of vulnerable minority groups and target communities in 29 of the 38 municipalities of Kosovo, where minority groups are particularly affected by unemployment and poverty.

34. On 27 September, the Ministry of Local Government Administration, in cooperation with OSCE, presented the terms of reference and guidelines for the municipal communities committees. The documents are intended to build the capacity of the committees as important local community protection mechanisms in Kosovo. On 14 September, the Consultative Council for Communities held its inaugural session with a new composition, comprising 25 members, including representatives of the Kosovo authorities, political parties and civil society.

35. During the reporting period, sales by Kosovo Serbs of their properties and their relocation to Serbia proper stimulated renewed debate over the progress of

sustainable returns. Socioeconomic problems continue to be cited among the underlying factors prompting Kosovo Serbs to sell houses and land. Recurring security incidents in several returnee areas have, however, further contributed to perceptions of insecurity among potential returnees.

36. The frequent looting of uninhabited properties of internally displaced persons and returnees also remains a problem, exacerbated by vandalism and looting at religious sites, notably Serbian Orthodox graveyards and churches, and, in some cases, by direct verbal and physical assaults on returnees. UNMIK continues, together with the other international presences, to encourage the Kosovo authorities to address these problems more vigorously.

37. In this light, many municipal structures, including the municipal offices for communities and returns, the municipal communities committees, the municipal community safety councils and the local community safety councils, have stepped up their outreach and cultural activities, including conflict resolution training, in an effort to improve relations among communities. For example, the strategy and implementation plan for 2009-2015 for the integration of the Kosovo Roma, Ashkali and Egyptian communities is intended to address extreme poverty among those communities. In October, the Kosovo authorities launched a midterm review of the plan, which includes a series of high-level consultations involving the authorities, international stakeholders and civil society. Continued international engagement should complement local efforts to improve relations between the minority communities and the majority Kosovo Albanian community.

38. On 21 September, the Kosovo Agency of Statistics published the official results of the Population and Housing Census 2011. The conduct of the census was monitored by Eurostat and other international organizations. The Kosovo Serb population in the three northern municipalities and northern Mitrovica did not participate. The population of Kosovo was recorded as 1,739,825.

VII. Cultural and religious heritage

39. During the reporting period, stakeholder consultations continued on the future of the Reconstruction Implementation Commission, which is responsible for overseeing the implementation of the reconstruction work at some 35 Serbian Orthodox Church sites damaged during the unrest in March 2004. Although the Serbian Orthodox Church and the Kosovo Ministry of Culture, Youth and Sports have brought their positions closer, a compromise on the future of the Commission has yet to be reached. In the meantime, the Serbian Orthodox Church has begun seeking alternative sources of funding to finalize reconstruction works at some unfinished sites. The reconstruction of the church of Saint Jovan in Peje/Peć was mainly completed with additional funds collected by the Raška-Prizren Diocese. In parallel, the reconstruction of two buildings of the Orthodox seminary in Prizren is under way, financed in part by a donation from the Russian Orthodox Church. Funds remain insufficient for the reconstruction of the seminary, however.

40. UNMIK continues to facilitate the activities of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Kosovo. During the reporting period, the second stage of the fresco restoration began at the Bogorodica Ljeviška church, funded by donations from several countries. In addition, reconstruction works funded by a donation from the Russian Federation continued at

three UNESCO cultural heritage sites: the Visoki Dečani monastery, the Gračanica monastery and the Peć Patriarchate monastery. In August, UNESCO put out to tender the restoration of the Gazi Mehmet Pasha hammam in Prizren, to be funded by a Turkish donation. A contract for the restoration of the Catholic cathedral in Prizren with a donation from Albania was signed in September, with the work due to begin in October.

41. Acts of vandalism and religious intolerance, ranging from thefts of money from Orthodox Church premises to desecration of Orthodox cemeteries, were also reported. In total, 10 cultural heritage sites — including 4 Serbian Orthodox churches and graveyards, 3 Islamic sites, 1 Catholic graveyard and 2 non-religious sites — were subject to thefts and vandalism during the reporting period. The Kosovo police classified the incidents as theft or damage of property. Investigations are continuing. In addition, four incidents of fire near Orthodox Church premises and cemeteries were reported, as was the desecration of a Serbian Second World War monument on the road between Shtërpcë/Štrpce and Prizren.

42. During my visit to Kosovo, I witnessed the rich cultural diversity in Prizren while visiting Muslim, Orthodox and Catholic sites. Further promotion of this valuable cultural and spiritual heritage on the basis of ethnic and religious tolerance remains central to achieving peace and a prosperous future for Kosovo. The full implementation of the recently adopted laws on the historic centre of Prizren and on the village of Hoçë e Madhe/Velika Hoča can contribute to achieving this objective.

43. With international facilitation, constructive interaction took place during the reporting period between the Serbian Orthodox Church and the local authorities in Pejë/Peć municipality. Elsewhere, the annual patron saint's days in the Orthodox Holy Archangels and Zočište monasteries, which attracted hundreds of Orthodox worshippers, passed without incident, with extensive security provided by the Kosovo police.

VIII. Human rights

44. UNMIK continues to contribute to the promotion and protection of human rights in Kosovo. Under the joint coordination of UNMIK and the stand-alone office in Kosovo of the Office of the High Commissioner for Human Rights (OHCHR), the Human Rights International Contact Group and its two subgroups — on property rights and on security incidents affecting non-majority communities — continued to refine and strengthen joint international efforts to achieve accurate human rights reporting and to advocate appropriate remedial action by the Kosovo authorities.

45. In July, a coordinator was appointed to oversee all activities to tackle domestic violence in Kosovo. On 21 September, the Office of the Coordinator and the Kosovo Agency for Gender Equality in the Office of the Prime Minister began drafting standard operating procedures for victims of domestic violence, which are expected to be finalized by the end of 2012.

46. The Ombudsperson Institution of Kosovo submitted its eleventh annual report to the Assembly of Kosovo on 17 September, in which it stated that the most common complaints related to judicial performance, in particular delays in adjudicating cases and the non-implementation of court decisions. The Ombudsperson assessed that the

lack of commitment by official mechanisms, especially in terms of administration of justice, was leading to decreasing public trust in the judiciary.

47. On 20 September, the European Union and the Council of Europe launched a joint 18-month capacity-building project aimed at improving the implementation of European human rights standards in Kosovo. Its beneficiaries will include the Ombudsperson Institution, ministerial and municipal human rights units and civil society organizations. UNMIK and OHCHR will participate as observers in the project steering committee.

48. In July 2012, OSCE issued its third community rights assessment report, in which it examined the progress and effectiveness of Kosovo institutions in protecting and promoting the rights of communities during the period from July 2010 to December 2011. While noting that there was a comprehensive and sophisticated legislative framework in place, it said that much remained to be achieved in order to provide real and meaningful protection of communities' rights that met domestic and international standards. OSCE mentioned that activities encouraging improvement of inter-community relations tended to be of an ad hoc nature and were often initiated by international and local non-governmental organizations, international organizations and civil society. OSCE considered budgetary constraints, property issues, compliance with legislative frameworks and the lack of political will and commitment to be some of the major challenges in the protection and promotion of the rights of communities. Key recommendations included allocating funds at all levels for the implementation of the strategy for the integration of the Roma, Ashkali and Egyptian communities; strengthening efforts to create conditions for the sustainable return and reintegration of displaced and repatriated persons; and recognizing the fundamental importance of inter-ethnic dialogue as a means to ensure tolerance and mutual understanding between communities in Kosovo.

49. The OHCHR office in Kosovo and the United Nations Entity for Gender Equality and the Empowerment of Women continued to support the Agency for Gender Equality in the development of a Kosovo action plan on the implementation of Security Council resolution 1325 (2000), which is expected to be finalized by the end of 2012.

50. On 12 September, the United Nations Kosovo team and UNMIK, together with the European Union and Kosovo women's leaders and women's organizations gathered for a global open day. The event afforded an opportunity for women from Kosovo to present their priorities and concerns and to reflect on the areas in which progress had been made over the past two years. Strong cooperation was noted between women in civil society, in addition to women's involvement and representation in decision-making. The theme of the 2012 event was "Status of survivors of conflict-related sexual violence". The number of survivors in Kosovo is unknown, largely owing to the stigma attached to speaking out. Survivors seek increased access to public services through relevant legislative acts and to economic opportunities and justice.

IX. Observations

51. The reporting period witnessed some positive developments in the efforts to implement the agreements reached in the European Union-facilitated dialogue. I welcome the assurances received both in Belgrade and Pristina regarding their readiness and commitment to resume substantive engagement within the dialogue, to resolve the contentious issues through peaceful means and to maintain their common European perspective. The past few months have shown that the parties are able to overcome obstacles created by differing interpretations of agreements and are willing to move forward. In this regard, the constructive steps taken during the reporting period with regard to the joint management of crossing points and regional cooperation offer grounds for optimism. Those steps should be followed by full implementation of these and other agreements reached during the past sessions of the dialogue. I look forward to the resumption of the sessions of the dialogue and hope that momentum can be created to allow Belgrade and Pristina to gradually but steadily move towards normalization of relations and establish lasting peace in the region.

52. The relative calm that prevailed during the reporting period, especially in the north of Kosovo, needs to be sustained. The security incidents and the resulting tensions described herein remain of concern and must be resolved peacefully and in a manner that addresses the legitimate concerns of the parties involved. I call upon the leadership in Belgrade and in Pristina, in addition to the local actors, to exercise the restraint, patience and goodwill necessary to bring about a sustainable solution. It is also important that the security and freedom of movement of mandated international presences, in particular EULEX, be ensured and respected.

53. I take note of the decision announced by the International Steering Group concerning the end of the "supervised independence" of Kosovo. At the same time, it is essential that the Kosovo institutions, with support from the international community, continue efforts to build a multi-ethnic and democratic society in Kosovo. Peaceful integration of minority communities, creation of conditions for sustainable returns and laying of the foundation for a long-term reconciliation among communities must remain priorities. This includes the continuing need to ensure the protection of cultural and religious heritage in Kosovo. In this respect, the enhanced role of the Kosovo police in community protection and combating organized crime, as noticed during the reporting period, is an important positive step.

54. I wish to express my gratitude to my Special Representative, Farid Zarif, for his leadership of the Mission and for his efforts to renew and strengthen cooperation among all sides, to pursue consensus solutions to the problems arising on the ground and to promote overall security and stability. I also wish to commend the staff of UNMIK for their commitment and efforts, especially in facilitating a more effective engagement among and between key stakeholders and upholding the responsibilities and objectives of the United Nations.

55. I conclude by extending my gratitude to the long-standing partners of the United Nations in Kosovo — KFOR and the North Atlantic Treaty Organization, the European Union and OSCE — and to the United Nations agencies, funds and programmes for their support for and cooperation with UNMIK.

Annex I

Report of the High Representative of the European Union for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo

Summary

During the reporting period, the European Union Rule of Law Mission in Kosovo (EULEX) continued to carry out monitoring, mentoring and advising activities in the area of rule of law and to implement its executive functions according to its mandate. Four war crimes cases moved through the process of adjudication and a number of indictments were confirmed in high-profile cases. Several long-term prison sentences were pronounced by mixed panels of local and EULEX judges, mainly in corruption and organized crime cases. EULEX remained actively committed to supporting the European Union-facilitated Belgrade-Pristina dialogue. The Special Investigative Task Force, established in 2011 to conduct a full criminal investigation into the allegations contained in the report of the Council of Europe Special Rapporteur, Dick Marty, continued to actively investigate the allegations and to collect evidence relevant to its inquiry.

During the reporting period, EULEX access and operations in the north of Kosovo continued to be hampered by the volatile security situation on the ground. On 7 September, an attack in Zubin Potok disrupted the recently re-established activities of EULEX police in the area and affected the shift rotations performed at gate 31 in the field of EULEX police and Customs. Task Force Mitrovica nevertheless continued to conduct executive police operations and EULEX carried out monitoring, mentoring and advising tasks at Kosovo police stations in north Mitrovica, Zvečan/Zveçan and Leposavić/Leposaviq. At the Mitrovica District Court, EULEX continued to conduct hearings and main trials.

On 4 September, the President of Kosovo sent an invitation letter to the High Representative of the European Union for Foreign Affairs and Security Policy, in which she welcomed the presence of EULEX and renewed the commitment of Kosovo to fully supporting the EULEX mandate. On 7 September, the Kosovo Assembly adopted the invitation letter and its acceptance by the High Representative with a two-thirds majority, providing an additional legal basis for EULEX to carry out its executive and monitoring, mentoring and advising functions under its current mandate until June 2014, pursuant to Council decision 2012/291/CFSP of 5 June 2012 amending and extending Joint Action 2008/124/CFSP.

Mission activities from July to October 2012

General

The Mission continued to pursue its main operational objectives through strengthening actions (monitoring, mentoring and advising), executive actions, rule of law activities in the north of Kosovo and support for the Pristina-Belgrade dialogue.

In the north of Kosovo, the implementation of the EULEX mandate continued to be hampered by security threats and by the lack of free and unconditional movement of the Mission. A series of incidents took place, including a serious attack on EULEX staff on 7 September, in which an armoured EULEX vehicle and a soft-skinned Kosovo police patrol car en route to Zubin Potok police station came under fire, injuring one police officer. After this incident, the Kosovo police deployed an armoured vehicle to its staff in the north as a safety reinforcement measure. Between mid-August and mid-September, three incidents also took place against Kosovo Serb personnel of the Mitrovica North administration office (established by the Kosovo authorities in May 2012). In each instance, a staff member's vehicle was set alight by unknown perpetrators. Over a number of days early in September, explosive devices also detonated close to the residential premises of the Director of the Mitrovica North hospital in Zvečan/Zveçan, a Kosovo police officer in Leposavić/Leposaviq and the leader of the Serbian Progressive Party in Kosovo, Bojan Jakovljević. On 6 October, a hand grenade exploded under the car of a Kosovo police officer, causing severe damage. The continuing tensions notwithstanding, work continued at the Mitrovica District Court.

Continuing difficulties with regard to the Mission's free, permanent and unconditional movement in the north of Kosovo were encountered during a one-month process to attempt the deployment of EULEX international police officers to the police station in Zubin Potok. Following a meeting between EULEX, the community leader of Zubin Potok municipality and the commander of the Zubin Potok police station, an international police officer was deployed to Zubin Potok on 6 August, the first such deployment since July 2011. By 22 August, the full complement of international police officers had been deployed. The following day, however, a EULEX vehicle carrying four international police officers was blocked at a barricade near Zupçë/Zupče, prompting a coordinated EULEX/Kosovo Force (KFOR) effort to resolve the issue. While EULEX advisers were able to gain access to the police station early in September, the attacks of 7 September noted above brought a temporary end to their deployment. Access to Zubin Potok remains restricted, although some monitoring, mentoring and advising support is provided to the local command structure remotely.

On 7 October, unknown persons shot several bursts of automatic gunfire from the area of Stublilnë/Stublina (near Gjilan/Gnjilane) towards a Serbian police checkpoint in Dobrosin, near gate 5, prompting the police officers to return fire. No injuries were reported, although several vehicles near the checkpoint were allegedly hit, including that of a Kosovo Albanian witness who confirmed that his vehicle was hit while parked close by. Kosovo police and KFOR investigating the incident recovered more than 60 empty bullet shells in two locations in Kosovo. This was the third attack of a similar nature on this checkpoint within six months. A EULEX prosecutor in the Special Prosecution Office of Kosovo is leading investigations into the previous two attacks and will take on responsibility for this latest case.

On 12 October, the Pristina District Prosecutor determined that the Director of the Kosovo Privatization Agency, Dino Asanaj, had committed suicide on 16 June and therefore closed the investigation into the death.

War crimes

On 17 July, a panel of one local and two EULEX judges began the second retrial of former Kosovo Liberation Army commander and current member of parliament, Latif Gashi, along with two co-defendants (known as the "Llapi group"), on war crimes charges. The main trial in the first instance began in February 2003, with a verdict announced in July 2003 (resulting in a sentence of 10 years' imprisonment being imposed). Upon appeal, in 2005, the Supreme Court ordered a retrial on several of the counts. Some of those counts were rejected in 2011, reducing the sentence to six years' imprisonment. The second retrial concerns the last of the counts against the accused.

On 27 September, EULEX and the Kosovo police arrested two Kosovo Serbs on suspicion of wartime rape, placing them under house arrest. No one has been convicted to date of wartime rape and the handling of the case will require particular sensitivity owing to the nature of the offence.

On 2 October, a panel of one local and two EULEX judges at Prizren District Court opened the main trial of Sokol Bytyqi on war crimes charges. He was investigated, together with Ejup Kabashi (who was sentenced to five years' imprisonment in 2011) and others, for war crimes committed in Opterushë/Opteruša in 1998. In 2011, the investigations against him had been suspended because his whereabouts were unknown.

On 8 October, a EULEX judge confirmed the war crimes indictment against Aleksandar Bulatović, who had been arrested on 13 August on a warrant issued by a EULEX judge on 14 January 2009. He is accused of having participated in the alleged mistreatment of a Kosovo Albanian civilian found murdered in Fushë Kosovë/Kosovo Polje in 1999.

Organized crime and corruption

On 31 July, a EULEX prosecutor from the Kosovo Special Prosecution Office filed an indictment against 10 defendants, including the former president and four former judges of the Municipal Court of Pristina, three former District Court judges, a lawyer and a representative of a socially owned enterprise. The defendants are suspected of having been involved in 15 civil cases relating to property ownership claims against socially owned enterprises, which were under the competence of the Special Chamber of the Supreme Court of Kosovo.

On 7 August, the Kosovo police simultaneously raided five bars and four private premises in the Gjakovë/Đakovica area in the west of Kosovo. More than 100 officers took part in the operation, which stemmed from an investigation into human trafficking originally launched in 2011. The International Organization for Migration was engaged, together with the police, in the voluntary repatriation of the victims. EULEX conducted monitoring, mentoring and advising activities for the duration of the investigation and advised the police during the operational planning phase. As a result of the operation, 12 suspects were arrested and later placed in pretrial detention or under house arrest, while 22 potential victims were taken to Pristina for interviewing and shelter. The operation was professionally conducted and potential victims provided with proper treatment on the basis of EULEX advice. EULEX will continue to follow the case closely.

On 16 August, a local judge from Pristina District Court confirmed the indictment filed by a EULEX prosecutor against five suspects in a case relating to smuggling of migrants, mainly to North and South America. On the same day, a mixed panel of local and EULEX judges extended the detention on remand of two defendants charged with smuggling migrants and organized crime.

On 21 August, a mixed panel extended until 21 September the detention on remand and house arrest of two suspects and house arrest of eight others accused of organized crime and trafficking in persons. Among the arrested is the Director of the Employment Directorate in the Ministry of Labour and Social Welfare, who is accused of misuse of official duty and of authority in connection with the investigation. The case is the result of a large-scale Kosovo police operation, monitored by EULEX.

On 12 September, the Kosovo police arrested five suspects and seized counterfeit currency of approximately $1 million that was thought to have been produced outside Kosovo. As investigations continue, EULEX will monitor progress and liaise with the International Criminal Police Organization and the European Police Office, where relevant. The case may also be connected to counterfeit documents seized earlier in the summer.

On 20 September, a mixed panel at Mitrovica District Court sentenced Jevro Pantelić to nine years' imprisonment for money laundering and organized crime. He is believed to be connected to Zvonko Veselinović, who is suspected of involvement in organized crime in the north of Kosovo and currently under arrest in Serbia.

The same day, a EULEX judge confirmed the indictment against Nazmi Mustafi, Reshad Zherka and Xhelal Zherka in its entirety. The defendants are, among other things, accused of abuse of official position or authority. The first-mentioned is a former prosecutor of the Special Prosecution Office of Kosovo.

On 21 September, a mixed panel at Prizren District Court jailed six defendants for periods of between one and three and a half years for smuggling migrants. The investigation was based on information received through legal cooperation with Albania.

On 25 September, a EULEX judge confirmed the indictment against Kolë Puka, a former judge, and Avdullah Robaj, an attorney, on charges of abuse of official position or authority.

On 2 October, a panel of three local and two EULEX judges at the Supreme Court rejected appeals against the verdict in the so-called *Tisza/Tisa River* case, rendered in July 2011, which saw seven defendants sentenced to a total of 66 years' imprisonment for the deaths of 15 smuggled migrants, all of them Kosovo citizens, in October 2009, who drowned in the River Tisza/Tisa. The river marks the outer border of the European Union between Hungary and Serbia. Investigations in this landmark case exposed an organized crime group that offered migrants illegal passage to European Union countries, making significant illicit profits.

The same day, in a joint operation in Pristina, EULEX and the Kosovo police arrested an individual wanted in Germany on suspicion of organized crime and drug trafficking. The case file was transferred from Germany through an international legal cooperation procedure.

On 8 October, a EULEX judge confirmed the indictment against the former Minister of Health and Deputy Prime Minister, Bujar Bukoshi, in its entirety. It was partially confirmed against the former Permanent Secretary of the Ministry of Health, Ilir Tolaj, and other defendants. They stand accused of misuse of official duty or authority, mistreatment in exercising duties, misuse of economic authorization, entering into harmful contracts, issuing unlawful judicial decisions and solicitation of bribes/attempting to obtain bribes, tax evasion and obstruction of evidence.

The Kosovo Customs service seized 250 litres of ethanol that was being used to produce counterfeit alcohol. The death of at least 26 consumers of adulterated alcohol in the Czech Republic at the end of the summer drew attention to this problem throughout Europe and did not go unnoticed in Kosovo. EULEX has in the past mentored the Kosovo Customs service on the issue and the operation indicates that the problem is taken seriously.

Hearings in the so-called *Medicus* illicit organ trafficking trial continued throughout the reporting period.

Other key cases and issues

On 17 July, the former Prime Minister of Kosovo and leader of the Alliance for the Future of Kosovo, Ramush Haradinaj, returned to Kosovo after being held since 2010 for a partial retrial at the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. He will remain in Pristina until the Tribunal announces its verdict, expected in October. EULEX is assisting the Tribunal to ensure that Mr. Haradinaj remains within the terms of his provisional release orders, which are confidential.

On 30 July, after two years of extensive work, a site assessment at a potential mass grave in Zhilivodë/Žilivoda was concluded. No human remains could be found there and investigations confirmed that a recent fire there could not have destroyed any potential evidence, given that the burning was only superficial.

On 13 August, a mixed panel of one local and two EULEX judges at Prizren District Court sentenced Emin Krasniqi to 23 years' imprisonment for aggravated murder. Three co-defendants received sentences of between one and seven years. The defendants were accused in relation to the killing of Skender Limaj in the village of Banja/Banja in Malishevë/Mališevo in January 2011. Other members of the Limaj family were also injured during the incident, which is seen as part of a continuing dispute between two prominent families and occurred during the elections of 12 December. A political motive for the attack was not proven.

On 15 August, the confirmation hearing in the case of seven Kosovo Serb suspects allegedly involved in the attack against the Mitrovica District Court building in March 2008 took place at the Mitrovica District Court. The indictment filed by the EULEX prosecutor includes charges of unlawful occupation of property, obstructing official persons in performing official duties and endangering United Nations and associated personnel. A joint confirmation ruling will be issued after the conclusion of all necessary hearings for the seven defendants on 13 September.

On 16 August, following an application filed by the Special Prosecution Office of Kosovo, a EULEX pretrial judge in Prizren District Court issued a ruling to convert the detention on remand of three defendants (Bejtullah Mehmeti, Bekim

Suma and Luan Qerkini) to house arrest for a period of one month. The defendants are suspected of aggravated murder, attempted aggravated murder and causing general danger in what is known as the *Bill Clinton Boulevard bombing* case. Further hearings were also held in the aggravated murder case against Sadik Abazi and others (known as *Bllaca 2*). Mixed panels at the Supreme Court also rejected appeals in three murder cases, either confirming or increasing the sentences handed down.

On 29 August, a panel of three EULEX judges at Mitrovica District Court sentenced Sylajman Hasani to 13 years' imprisonment for the murder of Besir Sheremeti in August 1997 in Mitrovica. He had been tried in absentia by the local court in 1998. After a request for protection of legality by the defence counsel, the Supreme Court ordered a retrial in the case.

On 28 September, Enver Sekiraqa, believed to be a major player in international organized crime, surrendered voluntarily to EULEX after four years at large as a criminal wanted by the Kosovo police and the International Criminal Police Organization. He was transferred to the custody of Kosovo officials and will serve an existing sentence of two years' imprisonment for threatening and obstructing official persons in the exercise of their official duties. He is also currently under investigation for his alleged involvement in the murder of a police officer, Triumf Riza, in August 2007.

On 12 October, a panel of EULEX judges at Mitrovica District Court sentenced Fehmi Tahiri to 22 years' imprisonment for aggravated murder.

EULEX and the Kosovo police regularly discuss shooting incidents, which usually increase during the summer. The phenomenon that has come to be known as "happy shooting", and its associated risk of potentially fatal injury, is linked to celebrations such as weddings, Eid al-Fitr (the end of Ramadan) and other cultural events throughout Kosovo. Following the Mission's advice, the Kosovo police made conscious and proactive efforts during the summer to intervene on such occasions. Improved community policing has facilitated a good response rate, leading to the confiscation of weapons and the identification of perpetrators, clearly signalling to the public that the Kosovo police take public safety seriously. Law enforcement has been accompanied by public information messages, including the airing of a 38-second broadcast on public television suggesting that people should celebrate with their hearts and not with their weapons.

On 31 August, the Ministry of Justice of Kosovo decided to suspend the Director of Dubravë/Dubrava prison with immediate effect and to relocate three of his deputies to other detention facilities. The Mission has been advising the Ministry throughout the process. The decision resulted from the recent violations of security procedures and the attempted escape of top-risk prisoners, which was thwarted. An interim management team was appointed to take over with immediate effect and took positive steps to run the prison following anti-corruption activities initiated by EULEX and the subsequent suspension of the Director. Two investigations, one by the Kosovo Correctional Service and the other by the Internal Inspectorate of the Ministry of Justice, have begun. EULEX offers the interim management team full support through its monitoring, mentoring and advising mandate, with temporarily increased staff until the new prison management is recruited.

EULEX monitored 36 of 165 interviews for the recruitment of officers for the Kosovo police operational support unit. The call for applications was announced in Albanian, Serbian and Turkish. While there were applicants from across the community spectrum, there were no female or minority representatives on the panels because there are none among the higher-ranking officers in the unit. The results of the vetting and physical fitness tests were announced on the Kosovo police intranet the same day, so as to minimize the possibility of undue interference, but overall selection results have yet to be published. EULEX initially assessed the process as generally satisfactory.

As expected, technical hitches accompanied the launch of the new Customs processing system, an automated system for Customs data known as "ASYCUDA", but those initial teething problems should soon be overcome. EULEX had strongly advocated the adoption of the system, which is provided by the United Nations Conference on Trade and Development. The system offers great benefits for trade facilitation, risk analysis, accountability and transparency and EULEX will help to ensure that the Kosovo Customs service makes full use of these new opportunities.

Special Investigative Task Force

The Special Investigative Task Force was set up in 2011 to conduct a full criminal investigation into the allegations contained in the report of the Council of Europe Special Rapporteur, Dick Marty. In that report, he addressed a wide range of alleged crimes, including abduction, detention, mistreatment and murder, in addition to the much-publicized allegations of organ harvesting and trafficking. The Task Force continues to actively investigate the allegations and to collect evidence relevant to its inquiry. Consistent with sound prosecutorial and law enforcement procedures, however, the Task Force does not discuss publicly its findings or details of its investigative operations. This is a very complex investigation that will take time to complete, not least because of the range of allegations being investigated, but also because it has to deal with multiple jurisdictions and includes acts alleged to have occurred 12 to 13 years ago.

In line with its commitment to sound investigative and prosecutorial practices, the Task Force will not discuss the report aired on 10 September on Radio Television of Serbia, in which an individual stated that he had participated in the removal of a Serbian prisoner's heart at an improvised clinic in the north of Albania in the spring of 1998. The televised interview with this individual has been extensively commented on and questions have been raised as to whether his testimony constitutes a decisive piece of evidence for the Task Force. While the Task Force will not address such specific questions for the reasons cited above, it has confirmed, as a general approach, that it will pursue all investigative leads, thoroughly analyse any testimony or item of potential evidentiary value and take all steps necessary to verify its truthfulness.

The Task Force's prosecutors and investigators have continued to work closely with their counterparts at the International Criminal Tribunal for the Former Yugoslavia, EULEX and in the region. Contacts with key individuals who have information relevant to the investigation have continued. During the reporting period, the lead prosecutor, John Clint Williamson, sought the assistance of several other Governments on witness relocation matters and discussions were initiated at the operational level with Governments that had already agreed to relocate

witnesses. Work with non-governmental organizations that may possess information relevant to the investigation is also progressing.

During the reporting period, the lead prosecutor also travelled to Podgorica to discuss how Montenegro could support the investigation. During his visit, which took place from 19 to 21 September, he met senior officials of the Government of Montenegro and representatives of the diplomatic community and non-governmental organizations. The Montenegrin authorities expressed their willingness to fully support and assist the work of the Task Force. This further indicates that the Task Force is able to benefit from cooperation by States relevant to its investigation.

Legislation

Between 1 and 3 August, EULEX attended the second session of a working group to review the "judicial package" (five bills, including on the Kosovo Prosecutorial Council, the State Prosecutor, the Kosovo Judicial Council, the courts and the Special Prosecution Office of Kosovo). EULEX provided numerous comments and recommendations. The final versions are expected to be prepared by the Ministry of Justice. EULEX called for a focus on the implementation of the current legislation rather than introducing further changes.

The bill on the confiscation of illegally obtained assets, which incorporates proposals and comments provided by EULEX and European Commission experts, was approved by the Government at the beginning of August and sent to the Assembly on 21 August. The bill follows the analysis and includes the recommendations of European Union experts (under a twinning project) with regard to the extended power of confiscation, in line with the current Community acquis.

Property rights

In September, the Kosovo Property Claims Commission held a session. During the reporting period, it prepared and analysed 2,312 claims and adjudicated 1,822 claims, mainly inter-ethnic property claims. The total number of adjudicated claims stands at 33,070, with 9,123 to be resolved. The Kosovo Property Agency Appeals Panel decided on 80 cases. In 2012, the Agency adjudicated 32 of 115 cases, with 83 pending. The Special Chamber of the Supreme Court completed 93 cases between July and October.

The EULEX Property Rights Coordinator called for meetings with the Kosovo police and the Centre for Peace and Tolerance after the Kosovo police assumed the rights to the premises of the Centre and announced plans to evict its occupants. The Centre is a Kosovo Serb non-governmental organization that promotes the participation of Kosovo Serbs in political and social life in Kosovo, operating from a Kosovo police station. By involving representatives of the Ministry of Internal Affairs of Kosovo, the European Union Special Representative in Kosovo, the United Nations Interim Administration Mission in Kosovo and the Organization for Security and Cooperation in Europe, EULEX was able to postpone the eviction and reinforce a discussion on the matter. Later, the Deputy Minister of Internal Affairs confirmed that the Kosovo police would be taking the case to court. In doing so, the Deputy Minister has adopted a proposal by EULEX to clarify the issue following due legal process.

Dialogue implementation

EULEX continued its work to implement a pilot project in the Serbian city of Niš within the framework of the dialogue agreement on civil registry books of 2 July 2011. The image taking/recording, printing and verifying of religious, birth and marriage registry books for several villages of Lipjan/Lipljan municipality was completed. With 359 copies certified and handed over to the Kosovo authorities, the small-scale project, which began on 8 May, has been finalized. A full-scale project is under way and construction work on the building intended to house the records is almost complete. It is envisaged that the building will also accommodate future projects to come out of the cadastre agreement.

On 25 September, Belgrade signed the technical protocol to the agreement of 2 December 2011 on the European concept of integrated management for crossing points, thus enabling progress towards the implementation of the agreement. The tripartite implementation group has discussed the work ahead. EULEX is supporting it with technical expertise.

Approved by Xavier Bout de Marnhac
Head of Mission

Annex II

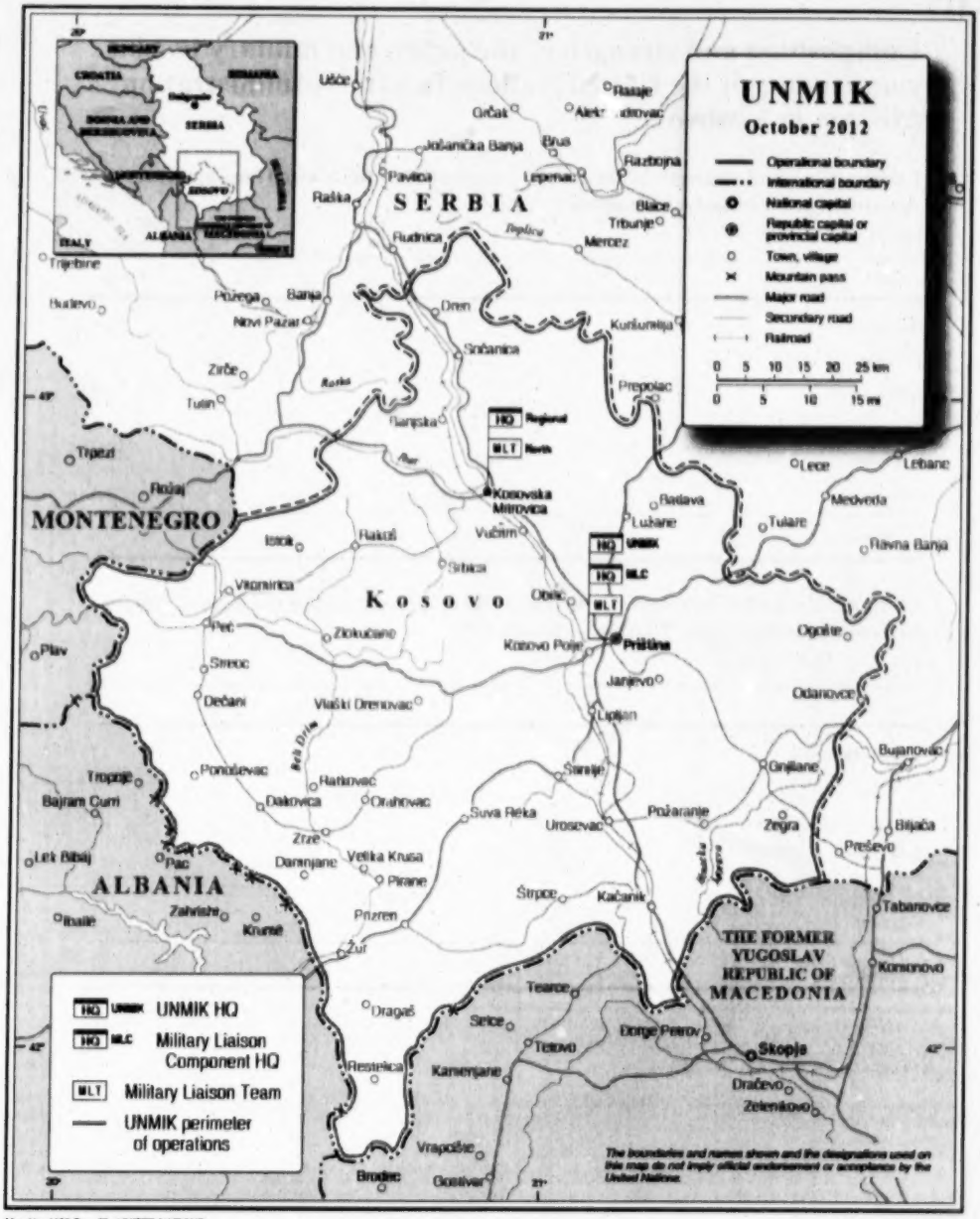
Composition and strength of the police and military liaison components of the United Nations Interim Administration Mission in Kosovo

Composition and strength of the police component of the United Nations Interim Administration Mission in Kosovo
(as at 15 October 2012)

Country	*Number*
Belgium	1
Croatia	1
Italy	1
Hungary	1
Pakistan	1
Ukraine	1
Total	**6**

Composition and strength of the military liaison component of the United Nations Interim Administration Mission in Kosovo
(as at 15 October 2012)

Country	*Number*
Czech Republic	1
Norway	1
Republic of Moldova	1
Romania	1
Turkey	1
Ukraine	2
Total	**7**



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General Assembly
Security Council

Distr.: General
9 November 2012

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General Assembly
Sixty-seventh session
Agenda items 33 and 36

Prevention of armed conflict

The situation in the Middle East

Security Council
Sixty-seventh year

Letter dated 5 November 2012 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

I have the honour to submit to you the joint statement of the Minsters of Foreign Affairs of member States of the Collective Security Treaty Organization on Syria made at their working meeting in New York on 27 September 2012 (see annex).

I would be grateful if the present letter and its annex are issued as a document of the General Assembly under agenda items 33 and 36, and of the Security Council.

(*Signed*) Byrganym **Aitimova**
Ambassador
Permanent Representative of the Republic of Kazakhstan
to the United Nations

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Annex to the letter dated 5 November 2012 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

[Original: Russian]

Statement by the Ministers for Foreign Affairs of the States members of the Collective Security Treaty Organization on Syria

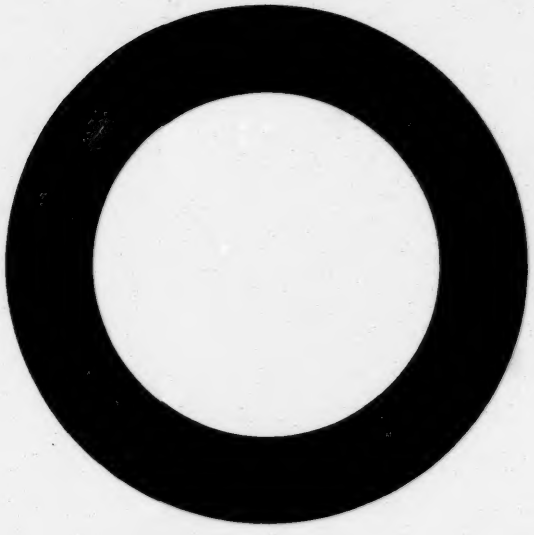
New York
27 September 2012

We voice our deep concern at the escalating armed struggle and the increasingly acute humanitarian situation in Syria.

We are convinced that a stable settlement must exclude outside interference and can be achieved only through a cessation of violence by all the parties and a broad political dialogue that takes into account the interests of all Syrians and is based on respect for Syria's independence, territorial integrity and sovereignty.

We welcome the consensual political and legal basis for overcoming the Syrian crisis, which includes Security Council resolutions 2042 (2012) and 2043 (2012), the Kofi Annan plan and the Geneva Communiqué of the Group for Action. We express comprehensive support for the mission by the Joint Special Representative of the United Nations and the League of Arab States for Syria, Lakhdar Brahimi, that is now beginning.

We call on all parties concerned and involved in the conflict to discharge to the full their obligations stemming from these decisions and agreements.



United Nations S/2012/820

Security Council

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8 November 2012

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Report of the Secretary-General on South Sudan

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 1996 (2011), by which the Council established the United Nations Mission in South Sudan (UNMISS) for an initial period of one year and requested me to report to it on progress in the implementation of its mandate every four months. By its resolution 2057 (2012), the Council extended the Mission's mandate until 15 July 2013 and requested me to include in my reports updates on the following aspects: implementation of the protection-of-civilians strategy; timelines for the deployment of all Mission elements; force generation; Mission benchmarks for mandate implementation; United Nations system support to peacebuilding tasks; and cooperation with regional and international partners in addressing the threat posed by the Lord's Resistance Army (LRA). The present report provides an update on those issues and on developments in South Sudan since my report of 26 June (S/2012/486) and includes events up to 23 October 2012.

II. Political developments

2. South Sudan celebrated the first anniversary of its independence on 9 July 2012 under the theme "Consolidating peace and unity, enhancing development". On that occasion, the President, Salva Kiir, reiterated his Government's commitment to fighting corruption and reducing the size of the Government in the prevailing climate of austerity. He also expressed the hope that ties with the Sudan would improve. The celebration took place amid mixed expectations: while the country grappled with a difficult economic situation emanating from the shutdown of oil production and an uncertain security situation along the border with the Sudan, efforts to stabilize Jonglei State appeared to be making progress.

3. Those challenges, however, did not entirely eclipse the efforts to attain the Government's transition milestones and critical legislation was adopted. The President signed the National Elections Act into law on 6 July, the National Elections Commission was established thereafter and the National Constitutional Review Commission began its work in August. On 10 July, as required by the Political Parties Act, the President launched consultations with all political parties, under the auspices of the Political Parties Leadership Forum, on the establishment of the Political Parties Council, which would be responsible for the registration and regulation of political parties. The parties agreed upon the composition of the

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nine-member Council. The ruling Sudan People's Liberation Movement continued to review its internal rules, regulations and structure, while other political parties began preparations to meet the registration requirements stipulated in the Political Parties Act.

4. The reporting period ended on a positive note, warranting guarded optimism, with the signing, on 27 September in Addis Ababa, of agreements between South Sudan and the Sudan on, among others, oil, border security, trade and the rights of nationals in the territory of the other. The mixed views expressed on the agreements in the continuing debate among some segments of South Sudanese society notwithstanding, they have been generally accepted and were formally endorsed by the Council of Ministers of South Sudan on 5 October. On 16 October, during an extraordinary session of the parliament, opened on 15 October, the National Legislative Assembly and the Council of States overwhelmingly voted in favour of the ratification of the agreements. The parliament also revoked its decision to halt oil production.

Establishment of national institutions

5. The National Bureau of Statistics, supported by the United Nations Population Fund, has begun preparations for the first national population and housing census, tentatively scheduled to be held in February 2014 and expected to cost some $101.7 million.

6. The National Legislative Assembly passed 11 key pieces of legislation during the reporting period: the Appropriation Act, the Taxation (Amendment) Act, the Refugee Act, the Geneva Convention Act, the Legal Training Institute Act, the National Communication Act, the Anti-Money Laundering and Counter-Terrorist Financing Act, the Banking Act, the Foreign Exchange Business Act, the Peace and Reconciliation Commission Act and the General Education Act. In addition, the women's parliamentary caucus of the National Legislative Assembly passed its constitution on 27 July.

7. In Northern Bahr el Ghazal and Western Equatoria States, tensions rose during the reporting period between the state executives and the state legislatures, with the former attempting to obstruct oversight functions by unconstitutionally removing speakers of the state assemblies from their posts. The Council of States intervened in one case and ruled for the reinstatement of the ousted officials. In another case, the Sudan People's Liberation Movement found a political solution. Such developments underscore the importance of the continuing efforts to build institutions anchored in respect for the rule of law.

Anti-corruption measures

8. On 16 July, the Auditor-General issued reports on the financial statements of the Government of Southern Sudan for 2007 and 2008. The reports exposed significant irregularities in many areas, including disregard for spending procedures, weak legislative oversight and lack of transparent revenue accounting. Draft legislation to empower the Anti-Corruption Commission to prosecute corruption cases independently is currently under consideration by the Ministry of Justice. In his statement at the opening of the third session of the National Legislative Assembly, on 15 October, the Speaker set out steps taken by the legislature to fight corruption, including establishing anti-corruption clubs in all states, taking action against

ministries that incur expenditure in a manner inconsistent with the Appropriations Act, establishing a central procurement authority and a national anti-corruption bureau, and eliminating the practice of issuing Government vehicles.

III. Economic situation

9. On 18 July, in the light of the continued oil shutdown, the National Legislative Assembly passed an austerity budget aimed at reducing net expenditure by 34 per cent for the fiscal year 2012/13. The budget increases reliance on taxes, Customs duties and external sources, such as loans and national resource concessions. While non-oil revenues, which accounted for 2 per cent of overall income in 2011, have nearly doubled and spending controls have been tightened, a substantial budget shortfall remains. By the beginning of October, the Ministry of Finance and Economic Planning had implemented a domestic borrowing programme amounting to 500 million South Sudanese pounds (approximately $120 million at market rates) to cover part of the budget gap. Efforts to fill the remaining gap through external financial resources continue.

10. Cuts in civil servants' housing allowances and a one-month delay in the payment of their salaries since July caused considerable anxiety and some protests. The situation has now eased somewhat and by late in September all public sector wages for July had been paid.

11. The austerity measures implemented have implications for state budgets in that, under the new policy, 40 per cent of the block grants disbursed to the states by the central Government will now be allocated on the basis of population, with the remaining 60 per cent allocated evenly to the 10 states. This new policy will significantly reduce the revenue allotted to some states. Complaints of reduced grants were reported from Western Equatoria, Western Bahr el Ghazal, Upper Nile and Unity States.

12. The short supply of foreign currency led the South Sudanese pound, officially fixed at 2.95 to the United States dollar, to depreciate to a record low of 5.60 to $1 at the end of July, although the anticipated resumption of oil production and the limited availability of the South Sudanese pound led it to appreciate to between 4 and 4.30 to $1 between August and October. Concurrently, the National Statistics Bureau reported that consumer prices had not increased significantly since July, following the large increase in the first half of the year.

13. On 27 August, the International Monetary Fund (IMF) announced that South Sudan had become eligible for lending under the Poverty Reduction and Growth Trust, allowing it to request access to the IMF facilities for concessional financing. Such access is subject to an IMF programme being in place and approval by the IMF Executive Board. Concurrently, IMF, with the support of key donors, plans to implement a three-year capacity-building initiative for macroeconomic management, financed through a $10 million trust fund.

IV. Regional issues

14. **Relations between South Sudan and the Sudan**. Overall, relations between South Sudan and the Sudan showed signs of improvement, with representatives of

the Sudan attending the South Sudanese celebrations to mark the first year of independence and the two countries exchanging ambassadors. Commercial flights between Khartoum and Juba resumed and, following the signature of the agreements on 27 September, the Sudan announced the reopening of land and riverine border posts and the immediate resumption of trade in food commodities to border states. The Sudan also released 19 South Sudanese prisoners of war. Both sides, however, continued to accuse each other of supporting proxy militias and South Sudan complained of violations of its airspace by the Sudan.

15. **Foreign and diplomatic relations**. South Sudan has joined the World Customs Organization and submitted its application for membership of the International Conference on the Great Lakes Region. It has also established diplomatic relations with Finland, bringing the number of countries with which it has diplomatic relations to more than 40.

16. **Inter-mission cooperation**. UNMISS continued to participate in the implementation of the regional strategy to address the threat and impact of the activities of LRA, providing limited logistical support to the African Union Regional Task Force in Yambio. It is also providing logistical support to the operations in South Sudan of the United Nations Interim Security Force for Abyei and administrative support to its offices in Runbek, Wau and Juba.

V. Security situation

17. The main areas of concern on the security front during the reporting period related to the continuing tensions in key areas along the border with the Sudan; persistent rebel militia group activities in Upper Nile and Unity States; sporadic cattle raids; the emergence of new security challenges, including attacks against the Sudan People's Liberation Army by followers of the rebel leader, David Yau Yau, in Jonglei State; and the influx of large numbers of cattle and armed pastoralists to Central Equatoria State from Jonglei State.

Situation along the border with the Sudan

18. The security situation along the border with the Sudan remained relatively stable, albeit tense. As reported to the Security Council pursuant to resolution 2046 (2012), UNMISS received allegations of several cross-border attacks against South Sudanese armed forces units in Unity and Upper Nile States, in addition to attacks on two farming communities in Upper Nile State. UNMISS could not confirm those incidents owing to challenges in gaining access to the affected areas. UNMISS was also unable to confirm incidents of airspace violations reported by the South Sudanese armed forces and local authorities in Unity, Upper Nile and Warrap States. UNMISS did, however, observe an unidentified Antonov aircraft dropping packages in Pibor County, Jonglei State. The South Sudanese armed forces allege that the aircraft was Sudanese and was resupplying a rebel militia group in the area. In addition, in Northern Bahr el Ghazal State, UNMISS observed six craters allegedly created by a Sudanese armed forces aerial bombardment reported by the South Sudanese armed forces on 20 July, during which two civilians were wounded. The Sudan claimed that the aerial attack was inside its territory.

Rebel militia groups

19. In my previous report (S/2012/486, para. 28), I indicated that two rebel groups issued a press release on 15 April in which they stated that David Yau Yau, a Murle rebel, had been appointed overall commander of the militia forces in Jonglei State. The South Sudan Liberation Army rebel group continued to claim the existence of an alliance of rebel groups, including itself, the South Sudan Democratic Army, David Yau Yau and the self-proclaimed Lou Nuer prophet, Dak Kueth, but UNMISS could not confirm such linkages. Elements loyal to David Yau Yau have, however, since launched attacks on civilians in Upper Nile State and on South Sudanese armed forces positions in Jonglei State.

20. As opposed to the inter-communal violence that occurred from December 2011 to January 2012, when between 6,000 and 8,000 armed Lou Nuer young people attacked Murle communities, the current primary threat to civilians in Pibor County is the risk of being caught in crossfire between the South Sudanese armed forces and the Yau Yau rebel militia group. UNMISS has developed contingency plans to protect civilians and is pursuing a range of mitigating actions.

21. Following a skirmish in Barmuch *payam* of Ulang County in Upper Nile State on 11 July, when Lou Nuer traders were attacked by Murle young people linked to the Yau Yau group, the first major attack by the group against the South Sudanese armed forces took place on 22 August in the Likuangole area of Jonglei State. The South Sudanese armed forces confirmed that 24 soldiers were killed and 14 wounded. Allegedly, a much larger number of soldiers went missing. Subsequently, throughout September, the group launched sporadic attacks on the South Sudanese armed forces camp in Likuangole. Some armed Murle young people who have evaded civilian disarmament have reportedly joined the Yau Yau militia.

22. On 16 September, UNMISS received a letter, allegedly written by David Yau Yau, conveying an ultimatum to the United Nations to leave Pibor County within 48 hours or be forced out. UNMISS has, nevertheless, maintained an operating base in Pibor town and its military component has remained at its long-duration patrol camp in Likuangole, the challenges of resupplying the camp notwithstanding.

23. Although Likuangole has been the main focus of the Yau Yau militia attacks, the group attacked Gumuruk on 20 September, but was repulsed by the South Sudanese armed forces. Further clashes were reported in Gumuruk on 23 and 24 September and 3 and 8 October. The South Sudanese armed forces reported that they had conducted a military operation on 9 October during which they had removed the Yau Yau elements from Gumuruk. On 1 October, two South Sudanese soldiers were killed on the outskirts of Pibor town, allegedly by Yau Yau elements. In the same area, the South Sudanese armed forces reportedly reacted by firing at some civilians, killing one.

24. As a result of these rebel militia activities, most of the population of Likuangole and Gumuruk moved to safer areas, while a number also left Pibor town. In the continuing efforts to tackle the threat posed by the Yau Yau group, the Government has accorded priority to political efforts, engaging with Murle chiefs, politicians and young people. From 28 to 30 September, the Pibor County Commissioner and several State Assembly and National Assembly members met 40 Murle chiefs, who agreed to reach out to the young people in an effort to contain the situation and convince them not to join the militia. Nevertheless, Murle young people who escaped the

disarmament campaign, do not trust the inter-communal reconciliation process and fear reprisals by South Sudanese armed forces may have joined David Yau Yau. On 16 October, the Pibor County Commissioner sent a letter to David Yau Yau, through a delegation of chiefs, renewing the President's offer of general amnesty for all rebel militia groups that come forward personally. David Yau Yau is yet to respond. The South Sudanese armed forces may, in due course, choose to deal with the rebel militia groups militarily.

25. My Special Representative visited Bor and Pibor on 24 and 25 September to discuss the situation with the state Governor, ministers, members of the legislature, the Pibor County Commissioner and civil society, as did the ambassadors of the European Union and Norway on 27 September. The Governor reported that, before the attacks, the security situation had improved as a result of the recent peace efforts and the launch of the civilian disarmament operation in March.

Inter-communal conflict

26. The Government's efforts to tackle inter-communal violence in Jonglei State through the civilian disarmament operation launched in March and a parallel community-owned peace process launched in April have made promising gains, while also encountering many impediments during the reporting period. The perennial tit-for-tat inter-communal violence, which claimed the lives of thousands of civilians in 2011, virtually ceased after the launch of the two processes and partly as a result of the advent of the rainy season. Communication between the affected communities improved and trade in livestock resumed. Chiefs from all Jonglei communities (Anuak, Dinka, Jie, Kachipo, Lou Nuer and Murle) jointly conducted awareness-raising visits to all counties. Through the collaboration of local chiefs and county authorities, a significant number of abducted children and some abducted women have been released and returned. Incidents of violence and large-scale deadly cattle raids markedly decreased. Permanent police and South Sudanese armed forces deployments were established to protect many disarmed communities. In another encouraging step, the Governor of Jonglei State initiated a new approach, on the basis of the decisions of the All Jonglei Peace Conference of May 2012, ensuring that, in September, hundreds of cattle stolen from the Murle community of Kothchar village were returned.

27. The relative reduction in armed crime and the increased stability arising from the civilian disarmament process and mobilization for peace that followed the All Jonglei Peace Conference is now at risk, owing to the re-emergence of the Yau Yau militia, an increase in alleged human rights abuses by some undisciplined elements of the South Sudanese armed forces during the civilian disarmament process in Pibor County, the return of armed Murle young people from Ethiopia to Jonglei and the lack of resources to implement the decisions of the All Jonglei Peace Conference. There is a significant risk that the recent increase in cattle raiding attributed to the Yau Yau militia against communities bordering Pibor County, in addition to fears of attacks by Murle young people against other disarmed communities, could result in rearmament and the resumption of deadly inter-communal violence. The South Sudan Recovery Fund, co-managed by the Government and the United Nations Development Programme (UNDP), has allocated money for, and UNMISS has provided logistical support to, the implementation committee established by the President at the end of the All Jonglei Peace Conference. Keeping the inter-communal reconciliation process on track will

require sustained political will, perseverance and a peaceful approach to the civilian disarmament process. It will also require significant commitment by the Government, with the support of international partners, to consolidating the rule of law and State authority and to delivering long-awaited peace dividends to affected communities, such as the development of infrastructure and the delivery of health, education and other basic services.

28. In the volatile Unity, Lakes and Warrap tri-state area, sporadic cattle raids continued across state borders, in some cases with the South Sudan National Police Service and the South Sudanese armed forces succeeding in intercepting the raiders. The anticipated tri-state peace conference, however, remains pending. In Lakes State, intra-communal violence erupted in July between two traditionally adversarial Dinka subclans in Cueibet County, leaving 20 dead and 20 wounded.

29. A recent influx of large herds of cattle and armed pastoralists from Jonglei State into Central and Western Equatoria States created concern that inter-communal violence could spread to the traditionally peaceful Equatoria States. The national and state governments are pursuing efforts to resolve the matter.

30. Recent cattle raiding across the border between Jonglei and Eastern Equatoria States also raised concerns about the risk of inter-communal conflict between the Murle in Jonglei State and the Toposa in Eastern Equatoria State. Timely action by the South Sudanese armed forces, who pursued the raiders from Jonglei State, and intervention by the Governor of Eastern Equatoria State, community leaders, county commissioners and church leaders helped to diffuse tensions, however.

Civilian disarmament

31. The South Sudanese armed forces completed the civilian disarmament operation in most counties in Jonglei State, with the exception of Pibor and Akobo. There, many armed young people evaded disarmament by crossing into Ethiopia. They were expected to return at the onset of the rainy season in June. In its early stages, the disarmament process was conducted largely in a peaceful and voluntary manner, with few cases of human rights violations reported and some 12,000 weapons collected throughout the state. From June, civilian disarmament focused on Pibor County, where fewer weapons were collected than in the other counties. In July, UNMISS integrated protection teams received reports of a heavy-handed approach by the South Sudanese armed forces during weapon collection in parts of the county. The number of alleged cases of human rights abuses increased significantly between July and August, as indicated in paragraphs 53 to 56 of the present report.

32. UNMISS briefed the South Sudanese armed forces regularly throughout the disarmament process on the allegations of serious abuses, calling for the armed forces hierarchy to engage with the commanders concerned. On 6 August, the Pibor County Commissioner sent a letter to the armed forces in which he called for a temporary suspension of the disarmament operation. In meetings with UNMISS, he reaffirmed his support for the disarmament process and acknowledged its initial positive impact, but suggested that tackling the threat posed by the Yau Yau militia should take precedence, after which disarmament could resume. The South Sudanese armed forces maintained that it was important to complete the disarmament process in the county, given that halting it halfway could prompt disarmed communities in neighbouring counties to rearm. On 24 August, UNMISS

issued a press statement in which it called for immediate action to halt human rights abuses and to bring the perpetrators to account. Human Rights Watch and, later, Amnesty International also issued public statements on the issue.

33. The South Sudanese armed forces informed UNMISS that they were continuing to deploy military magistrates to monitor the conduct of the armed forces throughout the disarmament process and that they had taken measures to address reported cases. According to the armed forces, 13 soldiers were arrested in connection with such violations and an implicated unit was withdrawn. Some senior commanders overseeing the disarmament operation in the county were replaced, while senior Murle officers were deployed to participate in commanding the operation. Training on human rights issues continued for troops involved in the operation. Since August, the disarmament operation has slowed down, impeded by logistical challenges and rebel militia activity.

VI. Implementation of the Mission's mandate

34. On 17 August, my Special Representative briefed the Council of Ministers on the achievements of the first year of the Mission and on the extension of its mandate. She continued to co-chair, with the Vice-President, Riek Machar, the UNMISS-Government mechanism on mandate implementation. UNMISS also established a consultative group comprising eminent persons and key stakeholders in South Sudanese society. The group provides feedback and recommendations on the performance of UNMISS and helps to disseminate messages to the public about the Mission's work.

Mission consolidation

35. UNMISS comprises 769 international staff, 1,369 national staff and 345 United Nations Volunteers, with vacancy rates of 24 per cent, 16 per cent and 38 per cent, respectively. Delayed construction of essential infrastructure in the counties has hampered staff deployment. The planned establishment of 35 county support bases within three years from the start-up of UNMISS has been impeded by limited engineering capacity and delays in the arrival of assets from the liquidated United Nations Mission in the Sudan and United Nations Mission in the Central African Republic and Chad.

36. The Mission currently has a permanent or temporary presence in 13 counties (Nasser, Melut, Maridi, Raja, Nimule, Renk, Pibor, Akobo, Turalei, Gok Machar, Kapoeta, Ezo and Yirol). Seven locations (Mayom, Pariyang, Tambura, Maper, Malualkon, Kodok and Bunj) are being prioritized for 2013-2014. The already inadequate engineering resources have been required for the establishment of county support bases, the building of roads and the expansion of nine state offices. The limited engineering capacity has been used to develop 10 company operating bases and expand seven runways, tasks that are currently under way. Consequently, engineering capacity within the Mission is stretched to the limit. UNMISS has therefore decided to stagger the establishment of the 35 county support bases over a period of five years instead of three.

Military component

37. As at 1 October 2012, the strength of the military component stood at 6,659 of the 7,000 authorized troops, comprising 4,932 infantry troops, 1,300 enablers, 186 staff officers and 141 military liaison officers. UNMISS expects to reach its mandated troop ceiling by March 2013. The induction of new contingents from Cambodia, Japan, Mongolia, Nepal and Rwanda has been completed. The Republic of Korea has authorized the deployment of an engineering company, which is expected to arrive in the coming months. The absence of sufficient infrastructure at planned locations for the deployment of the newly arrived Mongolian and Nepalese infantry battalions has compelled continued deployment at interim locations. Efforts to obtain military utility helicopters are continuing.

Police component

38. As at 1 October 2012, the strength of the police component stood at 58 per cent of the authorized strength of 900. Further increases will depend on the construction of county support bases. United Nations police advisers continued to work with the South Sudanese national police in all 10 state capitals and 23 counties, transferring skills through the provision of advice, mentoring and training. United Nations police also continued to support the screening and registration of all South Sudanese police officers, with 47,228 registered to date. UNMISS has signed a memorandum of understanding with the national police, under which the United Nations continues to provide formal training courses to 876 police officers on such subjects as leadership, criminal investigation and community policing.

39. The national police is establishing special protection units for women and children in all 10 states. It has also established a diplomatic protection unit with training provided by UNMISS. At the police training centre in Rajaf, United Nations police officers are helping to design the curricula and providing classroom training. On 17 September, the first national police cadets graduated from the centre. Meanwhile, UNDP helped the national police to prepare a national crime statistics report covering the period from March to May 2012, which was issued on 9 October.

Riverine capability

40. As mentioned in my previous report (S/2012/486, para. 103), UNMISS and the Department of Peacekeeping Operations and the Department of Field Support of the Secretariat undertook an assessment in September to determine to what extent the mobility of UNMISS could be enhanced by deploying assets to navigate the river system of South Sudan. The assessment confirmed that such capability was essential to enhancing access by UNMISS to critical locations.

41. The assessment recommended that UNMISS should pursue a phased approach to attaining the required capacity. Initially, UNMISS will maximize its use, in low-threat locations, of small boats belonging to its military contingents and to the United Nations country team. It will seek to acquire multipurpose commercial fast boats and a landing craft in the medium term. The third phase will involve a detailed review of existing riverine operations and analysis of longer-term possibilities for adjusted capacity, including the possibility of capacity contributed by Member States. This phased approach is necessitated by the need for a thorough assessment of the Mission's logistical, technical and other capacities to accommodate additional

capabilities. UNMISS has established a mobility task force to oversee the implementation of this approach.

Quick-impact projects

42. The Mission's strategic use of quick-impact projects to launch integrated United Nations support for tangible basic service delivery at the county level yielded its first results when piped water began to flow in Yirol (Lakes State) and Turalei (Warrap State). Other projects are focusing on reconstructing schools damaged by inter-communal violence in Jonglei State.

Protection of civilians

43. UNMISS continued to implement its strategy to protect civilians. The strategy sets out five priority situations in which UNMISS will apply its protection mandate: incidents in the border areas affecting civilians; rebel militia activities; inter-communal violence; threats to civilians during security operations, including civilian disarmament; and the activities of LRA. Responses to threats to civilians are coordinated throughout UNMISS through the Protection of Civilians Working Group, in which the United Nations country team is represented. UNMISS has also begun rolling out the Department of Peacekeeping Operations-Department of Field Support training modules on the protection of civilians.

44. The Mission took several measures to further its mandate to protect civilians in Jonglei State. It supported Government and civil society actors at the national, state and local levels in pursuance of reconciliation initiatives through political engagement directed at resolving the cycle of conflict and ending civilian casualties in the state. While the Government led the process, the Mission was a supportive and active partner. The Mission also took part in activities to protect civilians through its engagement with the Government on issues of civilian disarmament, including by alerting the armed forces to reports of indiscipline received by the Mission's integrated teams. The Mission has also developed contingency plans to reinforce its presence and protect civilians in vulnerable locations targeted by attacks by Yau Yau elements.

Child protection

45. UNMISS and the United Nations Children's Fund provided training to more than 2,000 soldiers to raise awareness of the revised action plan between the armed forces and the United Nations on the release of all children associated with armed forces, in addition to supporting the development of training modules on child protection. The armed forces have established a special forum to review reported cases of violations against children.

46. A total of 50 boys who were enlisted in the armed forces were identified, 28 of whom were registered by the Disarmament, Demobilization and Reintegration Commission and released. The other 22 boys are awaiting demobilization. The United Nations, in conjunction with armed forces child protection units at recruitment centres, has prevented new cases of child recruitment. The number of schools occupied by the armed forces has decreased from 15 to 1, a notable achievement. The pending case is being addressed.

Sexual violence and protection of women

47. UNMISS provided training on conflict-related sexual and gender-based violence to the armed forces in Upper Nile State in August and the South Sudan Human Rights Commission in September. Women protection advisers also coordinated with the human rights section of UNMISS in monitoring allegations of sexual violence in Jonglei State (see para. 53).

Justice and corrections

48. The Government took further steps to strengthen national capacity in the rule of law sector. At the request of the Chief Justice, UNMISS supported the development of a mobile court concept to address case backlogs, reduce overcrowding in detention facilities and increase access to justice. Special courts have been established in Lakes State to try cases arising from inter-communal disputes and cattle raids.

49. The Ministry of Justice is consulting relevant national institutions to put in place policy and institutional reforms to deal with arbitrary arrest and detention and enhance access to justice. Meanwhile, to assist the Government's efforts to end prolonged arbitrary detention, UNMISS supported the regular review of remand cases, focusing on juveniles and women, and provided training to court liaison officers, prison officials and police.

50. The National Prisons Service entered into a memorandum of understanding with the Uganda Prisons Service on joint cooperation, including a staff training programme. UNMISS supported staff training, the drafting of prison regulations, the development of options for community supervision programmes and the establishment of internal auditing processes.

51. UNMISS also supported the armed forces in drafting a directive on military discipline and procedures and trained armed forces prosecutors and judge advocates in procedural and military law, human rights and administration of justice. In August, UNMISS accompanied the armed forces on visits to all the military detention facilities in South Sudan to investigate prison conditions and the status of prisoners. It is supporting the armed forces in the development of an initial military prison action plan.

52. UNMISS is assuming an increasing role in coordinating actors and stakeholders in the rule of law area. In particular, UNMISS and UNDP have facilitated rule of law forums at the state level, chaired by representatives of the Government. In addition, UNMISS continues to discuss, within its Working Group on Prolonged Arbitrary Detention, the development of an integrated and multi-pronged UNMISS strategic plan, including suggestions on priority reforms for the Government in this area.

Human rights

53. Human rights violations in the early stages of the civilian disarmament process were limited, including in most parts of Jonglei State, as indicated herein. Between 15 July and 20 August, however, UNMISS investigated abuses linked to the civilian disarmament process in Pibor County, recording the following allegations: one killing; 27 incidents of torture or ill-treatment, such as beatings and simulated drowning; 12 rapes; six attempted rapes; and eight cases of individuals allegedly

taken into custody by the armed forces for several days. The armed forces adopted measures to respond to the allegations but refuted the extent of the claims made by UNMISS in its press release of 24 August. Some of the cases were followed up by the military justice directorate. Moreover, there has been limited implementation of the recommendations made in the Mission's public report on incidents of inter-communal violence in Jonglei State, published in June 2012. The committee established in March to investigate the events surrounding the violence of December 2011 and January 2012 has not yet begun its work. The South Sudan Human Rights Commission is currently engaged in discussions with the Government to widen the committee's mandate to include investigation of abuses allegedly committed during the civilian disarmament process.

54. In line with its human rights mandate, UNMISS continues to organize and participate in training and mentoring on human rights for law enforcement agencies, the judiciary, correctional services, other State bodies and civil society. The Mission has advocated the signing of a Government order to establish an interministerial working group to take forward draft legislation on ratification of human rights treaties. It has also advocated a moratorium on the death penalty in the light of the hanging of two convicts at Juba Central Prison on 28 August.

55. The South Sudan Human Rights Commission published the 2011 edition of its annual report on 9 August with the continued technical support of the Mission. In addition, a human rights forum was launched on 14 August, co-chaired by the Commission and a civil society representative, with UNMISS support, bringing together Government, civil society, United Nations and other international actors to identify human rights concerns and propose ways of addressing them.

56. Tackling cases of prolonged arbitrary detention is a priority for UNMISS. Individual incidents of harassment and intimidation against journalists, foreign nationals, members of opposition political parties and human rights defenders were reported, in some cases leading to arbitrary detention by national security services. This issue is further compounded by the absence of legal aid options for defendants and arrests without appropriate documentation or for incidents that should not be considered crimes. These problems relate to lack of oversight and accountability in security forces and agencies, resource limitations, insufficiently trained personnel and ineffective investigative capacity, leading to coordination problems between justice institutions. The Mission is actively engaging the relevant Government authorities to reduce arbitrary detention and the Ministry of Justice has established a forum that brings together all relevant State institutions to develop coherent measures to address arbitrary and illegal arrest and detention and enhance access to justice.

57. On 23 October, UNMISS received a note verbale from the Government in which it ordered two staff members working on human rights to leave the country within 48 hours. After intervention by my Special Representative, the Government modified its position the following day and issued a further note verbale in which it informed the Mission that the instruction no longer applied to one of the staff members. The Mission's protests notwithstanding, the order in respect of the other staff member was not rescinded. That staff member has been temporarily redeployed within the Mission area to the Regional Service Centre at Entebbe, Uganda.

Disarmament, demobilization and reintegration

58. UNMISS and UNDP continued to provide support to the Disarmament, Demobilization and Reintegration Commission. In view of the deterioration of the security environment on the border with the Sudan during the reporting period and the drastic reduction of Government resources owing to the oil shutdown, the disarmament, demobilization and reintegration programme was refocused on a pilot phase, targeting 500 ex-combatants at the transitional facility in Mapel, Western Bahr el Ghazal State. While the facility is not yet operational, the profiling of the pilot caseload is under way. On 12 October, the President established the Disarmament, Demobilization and Reintegration Commission Council, which will be chaired by the Vice-President. It will provide the overall strategic direction for the disarmament, demobilization and reintegration programme. It is expected that the Council's first decision will be to announce a new start date for the pilot, which was originally expected to begin in November. During the technical meeting on disarmament, demobilization and reintegration hosted by the African Union in September, the Vice-President reaffirmed the Government's commitment to covering 64 per cent of the total disarmament, demobilization and reintegration budget of $1.2 billion. Donor funding will, however, be required for the reintegration component.

Security sector reform

59. On 17 September, the Government launched the national security policy drafting process, which includes consultations in all states. UNMISS contributed to training the drafting committee and continues to support the development of national security institutions and policies. It is providing technical advice to six state security committees and also supported South Sudanese security sector oversight actors by facilitating the second meeting of the members of the South Sudan oversight coordination mechanism. Technical support was provided in the planning process for the implementation of small arms control legislation. In addition, technical support and training were provided to the stockpile management working group to increase safe weapons storage. UNMISS also assisted the Directorate of Legal Affairs of the national police with the revision of the South Sudan Police Act 2009.

Mine action

60. The United Nations Mine Action Service cleared a total of 116.6 hectares of land in 20 affected communities in seven states and destroyed 247 anti-personnel mines, 15 anti-tank mines, 21,126 items of small arms ammunition and 2,053 items of unexploded ordnance. Mine risk education was conducted in five states, for some 53,000 civilians, while efforts continued to encourage South Sudan to become a State party to the Convention on Cluster Munitions. The United Nations Mine Action Service and United Nations police will train a national police explosive ordnance disposal unit.

Implementation of the Peacebuilding Support Plan

61. To speed up the implementation of the 15 priority deliverables and other key priorities of the Peacebuilding Support Plan, UNMISS and the United Nations country team are developing projects to implement parts of the $300 million plan.

They are intending to gain access to funds from various sources, including the Peacebuilding Fund.

VII. Humanitarian situation, recovery, returns and development

62. Food insecurity, the further arrival of refugees from the Sudan, seasonal flooding and internal displacement have prolonged humanitarian challenges in South Sudan. In September, some 2.5 million people were receiving food or livelihood assistance, more than double the original estimate.

63. More than 175,000 people from Southern Kordofan and Blue Nile States in the Sudan have sought refuge in Unity and Upper Nile States. Humanitarian agencies scaled up their efforts to address malnutrition and disease outbreaks in refugee camps, the escalating logistical challenges during the rainy season notwithstanding. In August, the Ministry of Health confirmed a hepatitis E outbreak in camps in Upper Nile State. As at 25 September, 20 people had died from the disease. The outbreak is, however, now under control.

64. Proximity to the volatile border between South Sudan and the Sudan poses a risk to the safety of refugees and compromises the security of these civilian refugee locations. While advocating relocation to alternative sites, the Office of the United Nations High Commissioner for Refugees continues to support more than 65,000 refugees in the Yida area and UNMISS is providing support to enhance governance systems in the settlements, including improved community policing, enhancement of State authority, civilian patrols and police training.

65. Most of the 110,000 people who fled the fighting in the contested Abyei area in May 2011 remain displaced and reliant on humanitarian assistance. Meanwhile, half of the counties in South Sudan have been affected by flooding in 2012. By late in September, seasonal flooding had affected 259,000 people, with Jonglei State the hardest hit.

66. In addition to the significant logistical challenges faced in delivering assistance, humanitarian organizations reported 26 incidents of interference in relief efforts by the armed forces and other authorities. The United Nations Resident Coordinator and Humanitarian Coordinator, supported by the Office for the Coordination of Humanitarian Affairs, has raised the issue with the authorities.

67. To ensure continued support for the most critical priorities in the South Sudan Development Plan during austerity, the Government has launched a process focusing on core functions under austerity. Focus areas have been identified and prioritized in line with the four pillars under the Plan. The prioritization is intended to guide national spending and donor assistance throughout the remainder of the austerity period to ensure the continued functioning of the Government and prevent the erosion of progress made in State-building efforts.

68. By mid-September, 125,000 South Sudanese were estimated to have returned to the country, mainly from the Sudan. The legal status of South Sudanese nationals residing in the Sudan is clearer following the signing on 27 September of an agreement on the status of nationals. Meanwhile, the ability of individuals to voluntarily return to South Sudan in a safe and dignified manner has become increasingly difficult following the cessation of Government-organized movements for returnees. This should ease as the agreements of 27 September are implemented.

69. Renk, the principal entry point for returnees, has become a bottleneck to onward travel to final destination points owing to seasonal rains and a lack of transportation. As at mid-September, 14,314 individuals remained stranded in one of the four transit sites in Renk, amid deteriorating living conditions. The International Organization for Migration (IOM) and the Office of the United Nations High Commissioner for Refugees are providing essential humanitarian services to those stranded. During the reporting period, IOM supported the transportation of 3,241 returnees and their belongings from Renk to Juba. A total of 23,687 returnees travelled to their final place of destination during the reporting period, including 6,386 transported by IOM. Access to sustainable livelihoods remains imperative so that the returnees can smoothly reintegrate into their places of origin.

VIII. Cross-cutting issues in the Mission

70. **Public information**. UNMISS conducted extensive outreach in all 10 states to raise awareness of its mandate. It also drew media attention to its peacebuilding and civilian protection tasks. Meanwhile, the upgrading and expansion of the Radio Miraya broadcast network to reach more communities is being intensified.

71. **Implementation of the review of civilian capacity in the aftermath of conflict**. UNMISS provided further learning and development opportunities for national staff. To date, more than 700 national staff have been trained in management, administration, leadership and other technical and substantive subjects. Of those, 400 underwent certification programmes delivered by regional institutions.

72. **Conduct and discipline**. UNMISS intensified its prevention activities by providing training and refresher briefings to personnel on United Nations standards of conduct and the Secretary-General's zero-tolerance policy on sexual exploitation and abuse. The monitoring of compliance with the Secretary-General's bulletin on special measures for protection from sexual exploitation and sexual abuse (ST/SGB/2003/13) and the UNMISS code of conduct was also strengthened, while outreach and sexual exploitation and abuse awareness-raising activities for the local population were increased.

73. **Women, peace and security**. UNMISS and the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) continued to advance the agenda on women, peace and security through awareness-raising activities, training for Government officials and members of civil society, and women's participation in political processes. UNMISS and the United Nations Population Fund worked together to provide orientation on gender mainstreaming for directors general and directors of state and national ministries in July and August. On 20 September, my Special Representative participated in a women leadership conference in South Sudan on women's inclusion in conflict resolution and peacebuilding. In September, UNMISS and UN-Women organized open peace forums in the nine states to mark the twelfth anniversary of Security Council resolution 1325 (2000). During the forums, participants called upon state governments to pass laws on gender-based violence and sexual and gender-based violence. More than 400 UNMISS personnel were trained in gender mainstreaming.

74. **HIV/AIDS**. The Mission trained 34 counsellors and 33 change agents who will conduct counselling and promote HIV/AIDS awareness in South Sudan. Voluntary

confidential counselling and testing services were provided to 9,525 soldiers and civilians. UNMISS also continued awareness-raising and counselling activities for its personnel. A joint programme of support on AIDS has been developed with the Joint United Nations Programme on HIV/AIDS to provide coordinated support to the national AIDS response and to build Government capacity towards the implementation of Security Council resolution 1983 (2011).

75. **Staff security**. The volatile security situation in the northern border areas and the increased activities of rebel militia groups in Jonglei, Unity and Upper Nile States created a risky operating environment for United Nations personnel. United Nations operations were affected by the indirect threat of arms fire, occasional shooting at United Nations aircraft, the threat of arrest and detention when operating in border areas and interference with the delivery of humanitarian assistance. Owing to increased rebel militia activity, UNMISS has prohibited United Nations civilian missions to Likuangole until the security situation improves. Juba, Rumbek and Malakal witnessed increased violent armed robberies in daylight hours that affected United Nations personnel. In addition, reports by the South Sudanese authorities of unidentified white aircraft resembling those of the United Nations flying in South Sudanese airspace over Unity, Upper Nile and Warrap States created risks for United Nations aircraft operating in the area. Measures were taken to improve the coordination of all United Nations and international non-governmental organization flights with the armed forces and the civil aviation authorities. Mitigation measures have remained in effect in the above areas and contingency plans are in place.

IX. Observations

76. I am encouraged by the agreements signed in Addis Ababa on 27 September between South Sudan and the Sudan. If implemented in good faith by both countries, they should make it possible to build peaceful and mutually beneficial relations and allow the two Governments to fully prioritize the building of two viable and stable States that serve the respective interests of their people. I therefore call upon the leadership of the two countries to fully implement the agreements and to expeditiously resolve all outstanding issues.

77. With the resumption of oil production and the stabilization of relations with the Sudan, the prospects for building a stable economy will improve. South Sudan should be in a position to resume its course towards a peacebuilding and development agenda, including progress in the establishment of the rule of law, security sector reform, disarmament, demobilization and reintegration, capacity-building for key State institutions and a constitutional review process that provides a framework for transparent political dialogue.

78. I am encouraged to note that, compared with the same period in 2011, there has been a marked decrease in the incidence of large-scale violence in South Sudan and the number of resulting civilian casualties. As mentioned herein, however, the risks of a new escalation of violence, in Jonglei State in particular, remain very high. I call upon the Government to take the steps necessary to extend the presence of its law enforcement and security services and continue to enhance the promotion and protection of human rights by its security forces in order to further consolidate peace and stability in the country.

79. I remain concerned about the activities of rebel militia groups, which continue to undermine the efforts to stabilize the new nation, in particular in Jonglei State. The use of violence by insurgent groups to achieve their objectives will not elicit the support of the international community. They should work with the Government and within the laws of the country to address any grievances that they may have. I call upon the young people of South Sudan to cooperate with their chiefs and local authorities, distance themselves from all insurgents, eschew armed violence, participate fully in the disarmament process and work towards the economic and social development of their country. For its part, the Government must continue to identify and address the grievances of all communities, support inter-communal reconciliation through the allocation of adequate resources and progressively rebuild their trust in national institutions through credible political and judicial processes. I also urge the international community to lend its full assistance to these efforts.

80. Further support for the development of capacity within key national institutions in critical areas will be required during the second year of independence. I call upon donors to continue their support in this regard. The legislatures at both the national and state level have demonstrated a commendable ability to conduct credible and uninhibited debate on national issues and to exercise their oversight functions. Strengthening these and other institutions will create the necessary framework in which democratic governance can thrive. The Auditor-General's office has equally performed its functions in an exemplary and professional manner, as evidenced by the recently issued audit reports.

81. In the security sector, I welcome the launch of the process to develop a national security policy. In the second year of independence, further strides should be made in the security and rule of law sectors, in particular with regard to the right sizing and reform of the armed forces through disarmament, demobilization and reintegration. National institutions should assume greater responsibility for protecting civilians, respecting, protecting and promoting human rights and fighting impunity and corruption. I also commend the recent efforts by the Government to bring coherence to the efforts of the relevant State institutions to enhance access to justice and address the problem of prolonged, illegal and arbitrary arrest and detention.

82. South Sudan is striving to maintain a stable security, economic and political environment and address hostilities in the context of severely depleted public funds and an austerity budget. To date, it has been able to maintain critical Government functions and preserve a political climate that has permitted robust debate on key national issues. The country is, however, likely to face a significant income gap until early in 2013. The critical economic situation will therefore last until at least the first quarter of 2013 unless alternatives are found.

83. While the positive developments mentioned above warrant cautious optimism, they are tempered by numerous adverse factors that have the potential to create serious setbacks. Among these is the lack of urgency, coupled with capacity limitations, in implementing decisions on key national issues, as demonstrated by the delays in decisive management of the economy and public sector reform and in making operational the Constitutional Review Commission, the Jonglei Investigation Committee and the National Elections Commission. The absence of long-term plans to address potentially destabilizing fault lines, such as land and ethnic issues, the risk of a further deterioration in Jonglei State, the extremely limited employment

opportunities for young people, in addition to opportunities for alternative livelihoods for the soldiers who will be demobilized, and the increasing signs of resentment towards the many foreign workers and migrants are also sources of major concern.

84. The pending issues along the border with the Sudan, including the strong reactions in Northern Bahr el Ghazal State to the agreement with the Sudan on the "14-mile" area,[1] portend potential flashpoints that could impede the normalization of relations between the two countries. Continual vigilance is essential in managing these potential sticking points.

85. As UNMISS and the United Nations country team accompany South Sudan into its second year, the Organization is expected to show tangible results for its presence in the country. It is therefore important to make available to all United Nations actors the resources that they require to effectively implement their mandates. UNMISS ability to swiftly move, deploy and sustain troops in sensitive locations in response to threats to civilians continues to be undermined by the persistent lack of military utility helicopters. Continuing operations in Jonglei State in September and October 2012 have underscored the need for military helicopters, in addition to the value of riverine assets. I will provide regular updates to the Security Council on the implementation of the phased approach to generating riverine capacity for UNMISS, as mentioned in paragraphs 40 and 41 of the present report.

86. I deeply regret the unilateral expulsion of a Human Rights Officer from UNMISS, which had no justification and was in clear violation of the Charter of the United Nations and the status-of-forces agreement signed by the United Nations and the Government of South Sudan. Human rights monitoring, investigation and reporting is a core element of the Mission's mandate and must be protected and supported by the Government. I hope that this expulsion does not signify a deterioration in the good relations that the Government and the United Nations have established to date. Given that it is essential that respect for human rights remain a cornerstone of the new nation, the Government should ensure that both national and international human rights defenders can work in an environment free from intimidation.

87. I should like to conclude by expressing my appreciation for the dedicated service of my Special Representative, Hilde Frafjord Johnson, and for all military, police and civilian personnel serving in UNMISS. In addition, I should like to thank the United Nations country team and its partners in South Sudan, in addition to those Member States that are contributing troops and police to UNMISS.

[1] While South Sudan has accepted the map that the African Union proposed in November 2011 for negotiations with regard to separating the armed forces of South Sudan and the Sudan, the Sudan has objected to the inclusion therein of a strip of land, approximately 14 miles in width, on the South Sudanese side of the temporary administrative line for the safe demilitarized border zone. The Sudan has argued that the strip of land lies within its borders of 1 January 1956, the date on which it became an independent State. The African Union placed the area below the temporary administrative line for the safe demilitarized border zone, and thus not in the Sudan, simply to reflect the fact that South Sudan controlled the territory at the time at which the map was issued, in November 2011.

UNMISS
October 2012
SUDAN
SOUTH SUDAN
ETHIOPIA
CENTRAL AFRICAN REPUBLIC
DEM. REP. OF THE CONGO
UGANDA
KENYA
Juba
Malakal
Bentiu
Wau
Aweil
Raga
Kadugli
Nuba Mts.
Renk
Melut
Nasser
Akobo
Bor
Yambio
Tambura
Ed Damazin
National capital
State (wilayah) capital
Town
Major airport
International boundary
UNMISS operational northern limit
State (wilayah) boundary
Sector boundary
(CEC) Construction Engineering
(LFE) Light Field Engineering
Abyei region**
Main road
Railroad
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
* Final boundary between the Republic of Sudan and the Republic of South Sudan has not yet been determined.
** Final status of the Abyei area is not yet determined.
Map No. 4456 Rev. 9B UNITED NATIONS
October 2012
Department of Field Support
Cartographic Section

United Nations A/67/567–S/2012/821

General Assembly
Security Council

Distr.: General
9 November 2012

Original: English

General Assembly
Sixty-seventh session
Agenda items 33 and 36

Prevention of armed conflict

The situation in the Middle East

Security Council
Sixty-seventh year

Letter dated 5 November 2012 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

I have the honour to submit to you the joint statement of the Ministers of Foreign Affairs of member States of the Collective Security Treaty Organization on Iran made at their working meeting in New York on 27 September 2012 (see annex).

I would be grateful if the present letter and its annex were issued as a document of the General Assembly, under agenda items 33 and 36, and of the Security Council.

(*Signed*) Byrganym **Aitimova**
Ambassador
Permanent Representative of the Republic of Kazakhstan
to the United Nations

12-58271 (E) 121112 121112

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Annex to the letter dated 5 November 2012 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

[Original: Russian]

Statement by the Ministers for Foreign Affairs of the States members of the Collective Security Treaty Organization on the situation in Iran

New York, 27 September 2012

We voice our concern at the situation that is developing around Iran. Any attempts to solve the Iranian problem by force, given in particular the general instability in the Middle East and North Africa, are fraught with grave negative consequences not only for the countries in the surrounding region, directly adjacent to the area of responsibility of the Collective Security Treaty Organization, but also for the entire international community.

In these circumstances, we call upon all members of the international community to exercise the utmost responsibility and restraint and to avoid making statements or, still worse, performing actions that could unleash a further spiral of confrontation.

We are convinced that there is no alternative to the peaceful settlement of the issue surrounding the Iranian nuclear programme. We support the launching of a process of sustained dialogue between "the Six" and Iran, aimed at finding a mutually acceptable solution to the problem by unswervingly following the peaceful path of political and diplomatic negotiations.

At the same time we urge Tehran and all the parties involved in efforts to reach a settlement to step up the negotiation process in order to achieve progress.

We cannot accept an approach pursuant to which Iran is placed under unilateral extraterritorial sanctions far exceeding the limits prescribed in the relevant resolutions of the United Nations Security Council and impinging on the legitimate trade and economic interests of States, including members of the Collective Security Treaty Organization, which are conscientiously complying with these resolutions. We believe that such actions against Iran in response to its nuclear activities only complicate and impede the process of resolving the situation in a constructive manner.

United Nations A/67/568–S/2012/822

General Assembly
Security Council

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General Assembly
Sixty-seventh session
Agenda item 94
General and complete disarmament

Security Council
Sixty-seventh year

Letter dated 5 November 2012 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

I have the honour to submit to you the joint statement of the Ministers of Foreign Affairs of member States of the Collective Security Treaty Organization on the Non-Proliferation Treaty made on 27 September 2012 at their working meeting in New York (see annex).

I would be grateful if the present letter and its annex were issued as a document of the General Assembly under agenda item 94, and of the Security Council.

(*Signed*) Byrganym **Aitimova**
Ambassador
Permanent Representative of
the Republic of Kazakhstan to the United Nations

12-58349 (E) 161112

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Annex to the letter dated 5 November 2012 from the Permanent Representative of Kazakhstan to the United Nations addressed to the Secretary-General

[Original: Russian]

Statement by the States members of the Collective Security Treaty Organization on the issue of the Treaty on the Non-Proliferation of Nuclear Weapons

New York
27 September 2012

We, the States members of the Collective Security Treaty Organization, aware of the need to ensure the sustained functioning of the Treaty on the Non-Proliferation of Nuclear Weapons as one of the basic mechanisms of the collective security system, reaffirm our strong support for the Non-Proliferation Treaty and welcome the multilateral efforts to strengthen it.

Noting the successful conduct of the 2010 Conference to Review the Non-Proliferation Treaty, we support the Final Document on its results, which was adopted by consensus, and confirm our readiness to promote its comprehensive and balanced implementation.

We express the conviction that the current review cycle to prepare for the 2015 Non-Proliferation Treaty Review Conference must lay the basic foundation for its successful conduct with a view to further enhancing the effectiveness of the Treaty on the basis of the unity of its three fundamental components: non-proliferation, disarmament and peaceful use of atomic energy.

In the conviction that the present risks and threats of proliferation can and must be removed on the basis of the Non-Proliferation Treaty, we call for the expansion and strengthening of the monitoring capabilities of the International Atomic Energy Agency (IAEA), including through approval of the Additional Protocol to the agreement with IAEA on safeguards as a universally accepted procedure for verification of compliance by the parties to the Treaty with their obligations relating to non-proliferation.

We are convinced that one of the most important measures for strengthening the nuclear non-proliferation and nuclear disarmament regime would be the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty. We call on all States which have not yet done so, especially those whose signature and ratification of the Treaty is required for its entry into force, to follow our example and sign and/or ratify the Test-Ban Treaty without further delay and without any preconditions.

Confirming our commitment to the noble objective of creating a world free of nuclear weapons, we support the efforts of States relating to discharge of the obligations under article VI of the Non-Proliferation Treaty. We view the conclusion and entry into force of the new legally binding Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms as an important contribution to work towards disarmament.

We are counting on all nuclear-weapon States joining on schedule in the disarmament efforts of Russia and the United States.

We support the proposal to make the obligations under the Treaty between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles global in nature.

We are convinced of the need to give new impetus to multilateral political and diplomatic formats in the field of disarmament. Among others, an important step in this direction would be the renewal of substantive work by the Conference on Disarmament in Geneva in the framework of a balanced programme of work for the Conference based on document CD/1864.

Emphasizing the importance of raising the level of confidence among States, we support discussion in the Conference on Disarmament in Geneva of the conclusion of a legally binding agreement to give the non-nuclear-weapon States parties to the Non-Proliferation Treaty negative security assurances against the use or threat of use of nuclear weapons against them.

We note the important role of nuclear-weapon-free zones in the process of strengthening nuclear non-proliferation and disarmament. We continue to promote the process of effective functioning of existing nuclear-weapon-free zones and the creation of further such zones, as well as of potential zones free from weapons of mass destruction.

We consider it important that, after the holding of the 2010 Non-Proliferation Treaty Review Conference and the ratification by the Russian Federation in 2011 of protocols I and II to the African Nuclear-Weapon-Free Zone Treaty (the Treaty of Pelindaba), this process received new impetus. We call on other nuclear-weapon States which have not yet ratified the relevant protocols to the Treaty of Pelindaba to do so as soon as possible.

One of our priorities in relation to non-proliferation and disarmament is the Treaty on a Nuclear-Weapon-Free Zone in Central Asia signed in Semipalatinsk, which entered into force on 21 March 2009. We reaffirm our firm support for this Treaty. We believe that the full international legal formulation of a nuclear-weapon-free zone in Central Asia after signature by all nuclear-weapon States of a corresponding protocol to the Treaty will significantly strengthen regional and international security and raise the level of mutual confidence in the region. We also emphasize the important role of the nuclear-weapon-free zone in Central Asia in encouraging cooperation in the peaceful use of nuclear energy and the environmental rehabilitation of territories suffering from radioactive contamination.

We express the hope that the consultations under way between the Central Asian States and certain countries of the nuclear "five" which still have questions about the Treaty and its protocol will yield mutually acceptable results resolving these questions.

We welcome the progress made towards formalizing the status of the nuclear-weapon-free zone in South-East Asia (the Bangkok Treaty) between the nuclear-weapon States and the States members of the Association of Southeast Asian Nations in 2011. We expressly hope that the nuclear "five" will soon sign the protocol to the Bangkok Treaty.

Expressing support for the implementation of the 1995 resolution on the Middle East, we call for the maximally productive conduct in Finland in 2012 of the conference on the creation in the Middle East of a zone free of nuclear weapons and all other weapons of mass destruction and the means of their delivery, with the participation of all Middle Eastern States, as prescribed in the decisions of the 2010 Non-Proliferation Treaty Review Conference.

We reaffirm the inalienable right of all States parties to the Non-Proliferation Treaty, embodied in article IV of the Treaty, to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the Treaty. We share the view of those States which regard nuclear energy as an important contribution to the strengthening of energy security, to economic and social development and to the easing of the consequences of climate change.

At the same time, we note the need to take steps that will guarantee that the expansion of the use of nuclear materials and technologies and the development of civil atomic energy take place in the context of the strengthening of the global non-proliferation regime and are in conformity with the highest non-proliferation standards and nuclear safety rules.

We support the proposals for strengthening of the international legal basis in the area of nuclear security put forward after the accident at the Japanese Fukushima 1 nuclear power station and the Russian initiatives to amend the Convention on Nuclear Safety and the Convention on Early Notification of a Nuclear Accident.

We are firmly convinced that the broad advancement and practical implementation of multilateral approaches to the nuclear fuel cycle, with IAEA playing the central role, could reduce the risks of proliferation while at the same time strengthening energy security and assuring all interested States of optimal and economically attractive access to the nuclear fuel needed for their peaceful nuclear energy programmes. Mechanisms for multilateral approaches and guaranteed deliveries of nuclear fuel will facilitate the establishment of a new proliferation-resistant architecture of international cooperation in the nuclear power field.

In this connection we note the importance of the initiative put forward by the Russian Federation jointly with Kazakhstan for the establishment of multilateral centres to provide nuclear fuel cycle services, and of the establishment, as a first step towards that end, of the International Uranium Enrichment Centre in Angarsk, which is already in operation. The States participating in the work of the Centre will have guaranteed access to enrichment services to meet their nuclear fuel requirements. We single out the guaranteed reserve of low-enriched uranium established by the Russian Federation at the Angarsk Centre under IAEA auspices, as well as the initiative by Kazakhstan for the location in its territory of the International Low-Enriched Uranium Bank of IAEA, as substantial contributions to supporting the legitimate and inalienable right of each State party to the Non-Proliferation Treaty to develop research, production and use of nuclear energy for peaceful purposes without discrimination and in conformity with articles I and II of the Treaty.

The States members of the Collective Security Treaty Organization confirm their readiness to engage in constructive cooperation with all interested delegations in the course of the current review cycle of the Non-Proliferation Treaty in order to ensure the success of the 2015 Conference to review the Treaty.

Minister for Foreign Affairs
Republic of Armenia

Minister for Foreign Affairs
Republic of Belarus

Minister for Foreign Affairs
Republic of Kazakhstan

Minister for Foreign Affairs
Kyrgyz Republic

Minister for Foreign Affairs
Russian Federation

Minister for Foreign Affairs
Republic of Tajikistan

United Nations S/2012/823

Security Council

Distr.: General
9 November 2012

Original: English

Letter dated 8 November 2012 from the Secretary-General addressed to the President of the Security Council

This is to inform you that Ms. Lipika Majumdar Roy Choudhury (India, finance), whom I appointed on 20 April 2012 to serve on the Panel of Experts on the Sudan, resigned effective 20 October 2012.

In consultation with the Security Council Committee established pursuant to resolution 1591 (2005) concerning the Sudan, I have therefore appointed Mr. Ghassan Schbley (United States of America, finance) to serve on the Panel of Experts.

I have also designated Mr. Issa Maraut (France, regional), whom I appointed on 20 April 2012, to serve as the Coordinator of the Panel of Experts.

I should be grateful if you would bring this information to the attention of the members of the Security Council.

(*Signed*) **Ban** Ki-moon

12-58262 (E) 091112

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United Nations S/2012/824

Security Council

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12 November 2012
English
Original: Arabic

Identical letters dated 9 November 2012 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to transmit to you the following information:

- In the second half of October 2012, armed terrorist elements began to appear in the two villages of Burayqah and Bi'r Ajam in the demilitarized zone in Qunaytirah governorate, and subsequently, terrorist acts were instituted against the civilian inhabitants of those two villages.
- By early November 2012, those armed terrorist elements had confined the inhabitants of the two above-mentioned villages to their homes and taken control of the area by force.
- In view of the population's demand for the army to intervene, expel the terrorists and restore security for the local inhabitants, there was no option but to undertake a limited military operation for the purpose of restoring the area to its people.
- The United Nations Disengagement Observer Force (UNDOF) command was contacted and put in the picture as regards the situation and the possibility of small forces entering Burayqah and Bi'r Ajam. Some hours later, UNDOF responded, approving a limited military operation to liberate the two villages from the terrorist gangs.
- In the light of that verbal approval, a small military force entered the aforementioned area and pursued the terrorists. The force was reinforced by three tanks that were intended to protect the personnel who were entering the area only by providing them with cover, not by firing their cannons.
- The military operation lasted for several days. It might have been possible to conclude it in one day if the force had been larger, but because of the sensitivity of the area and the commitment of the army to the Agreement on Disengagement, only an extremely small force was used for the operation and great care was exercised to ensure that no fire was directed towards the occupied Golan.

12-58579 (E) 141112 161112

Please recycle

- At 1700 hours on 8 November 2012, the tanks withdrew to their previous positions outside the demilitarized zone, while law enforcement personnel remained inside Bi'r Ajam in order to follow up the flushing out of certain pockets of armed men. Within 72 hours of that date, the military operation will be completed and the remaining forces will return to the positions they occupied before the operation was undertaken.

- We should like to make it absolutely clear that the military force that undertook the military operation poses no threat to the Agreement on Disengagement. If a few shots fell on the Israeli side, they were either stray bullets or were fired from the weapons of the armed gangs.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative